

Canons of the Fourth Ecumenical Council

Prolegomena

The holy and Ecumenical Fourth Council was held in Chalcedon, an important city in Bithynia, during the reign of Emperor Marcianus and Pulcheria[80] in the year 451 after Christ. The number of Fathers attending it was 630, the most notable of whom were Anatolius of Constantinople, Paschasius and Lucinsius, bishops, together with Boniface and Basil presbyters, and with these were also Bishop Julian, Maximus the Bishop of Antioch, and Juvenal the Bishop of Jerusalem, acting as legates of the most holy Leo, Bishop of Rome. They condemned and consigned to anathema unfortunate Eutyches, an archimandrite, and his aid Dioscorus, who had become the Bishop of Alexandria after Cyril. For these men, having fallen into the error which was the opposite of that of Nestorius, shared also the latter's fate, and went to perdition like him. For Nestorius had divided the one Christ into two persons and two substances, while these men boldly confused the two natures of Christ, the divine and the human, of which He is composed and in which He is known and adored, and conflated them into one single nature, the fools failing to understand that this recusant belief led to the conclusion that Christ was not of the same nature as the Father and of the same nature as human beings, but of some other and different nature.[81] Hence this holy Council, following the Creed of the First Nicene Council and that of the Second Constantinopolitan Council and the letter of Cyril of Alexandria, which is the same as saying the definition laid down by the Third Council, held in Ephesus, but indeed also the letter of the most holy Leo of Rome,[82] left unaltered the common Creed of the First Ec. Council, held in Nicaea, and of the Second one, held in Constantinople, and it anathematized those who might dare to add anything to or to subtract anything from it; and it made it its own definition of the Orthodox faith, which runs as follows (Act 5): "Pursuantly therefore to the divine Fathers we all consonantly join voices in teaching outright that we confess one and the same Son or Lord Jesus Christ, perfect the same in divinity, and perfect the same in humanity. Truly a God, and truly a human being the same (composed) of a soul and body and one who is at the same time of like essence with the Father as respecting divinity, and of like essence the same with us as respecting humanity, in all respects like us, apart from sinfulness. Though begotten before the ages out of the Father as respects divinity, yet in latter days born out of Mary the Virgin and Theotoke, as respects humanity, the same for us and for our salvation. One and the same Christ, Son, Lord, Only-begotten (composed) of two natures unconfusably, inconvertibly, indivisibly, inseparably identifiable,[83] there being nowhere anything removed or annulled in the difference of the natures on account of the union, but rather on the contrary the peculiarity of each nature being preserved, and concurring in one person and one substance. Not being divided or parted into two persons, but (forming) on the contrary one and the same Son and only-begotten God Logos, Lord Jesus Christ, precisely as the Prophets formerly had prophesied concerning him and as he himself, the Lord Jesus Christ, did explicitly teach us, and the Symbol (i.e., Creed) of the Fathers has imparted the matter to us." On the other hand, this Council annulled and invalidated the Latrocinium (or Robber Synod) which had previously been assembled in Ephesus A.D. 448, at which Dioscorus presided, and spoke in defense of Eutyches, but the legates from the Bishop of Rome were not listened to, while St. Flavian of Constantinople, after being kicked and beaten with many whips, died. In this Council (Act 8) blessed Theodoret said: "Anathema to Nestorius, and to whoever refuses to call Mary the Holy Theotoke and whoever divides the one and only-begotten Son." In addition he also anathematized Eutyches, and every heresy, and after subscribing to all that had been decreed and adopted by the Council, he was justified and took the seat assigned to him in the Council, and undertook the representation of his province. Besides all these matters, the present Council also issued and promulgated the present thirty Canons, which are to be found in its Act 15, ratified and confirmed by name and definitely by c. II of the Sixth, and indefinitely by c. I of the Seventh; which Canons are necessary for the decorum and constitutional organization of the Church. As for the Minutes of the present Council, they are divided into three volumes. The first volume contains various letters and the transactions endorsed in Constantinople by Flavian, and those endorsed in Ephesus by the Latrocinium (or Robber Synod). The second volume comprises the sixteen Acts of this same Council which was held in Chalcedon. The third volume contains various letters of the Council and of the Emperors, and some other matters which were done after it was held and which related to it.[84] (See Dositheus, from p. 331 to p. 397; and the second volume of the Conciliar Records.)

1

We pronounce it just and right that the Canons promulgated by the Holy Fathers, in each and every Council down to the present time, continue in full force and effect.

(c. II of the 6th; c. I of the 7th.)

Interpretation

The present Canon deems it just and right that all the Canons issued by the Holy Fathers from the beginning down to the present day, whether serving the purpose of a more exact formulation of the dogmas, or that of providing for ecclesiastical discipline, at each and every Ecumenical and regional Council or any local Synod, should continue in full force and effect, that is to say, should remain valid and enforceable.

Canon II of the Sixth and Canon I of the Seventh Ec. C., dealing with the same matters as the present Canon deals with, expressly decree that the Apostolical Canons, and the Canons of Councils and Synods held theretofore, and those of the Fathers of the Church should remain confirmed. See also what is said of Canons in general at the commencement of this Handbook in the Prolegomena (p. xvi).

2

If any Bishop ordain anyone for money, and make merchandise of the unvendible grace, and perform the ordination of a Bishop, Chorepiscopus, Presbyter, Deacon, or any one on the roll of the Clergy, with a view to gain; or nominate any Steward, Ecclicus, or Paramonarius, or anyone else that belongs to the canon, for money, with the object of making a shameful profit for himself: let him who is found guilty of having undertaken this stand in peril of his office; and let him who has been thus ordained have no benefit from such traffic in ordinations or nominations, but, on the contrary, let him be without any claim upon the dignity or job which he has thus obtained by means of money. If, in fact, anyone even appear as a middleman or factor or intermediary for such shameful and illicit deals, let him too, if he be a clergyman, forfeit his office, but if he be a layman or a monk, let him be anathematized.

(Ap. cc. XXIX, XXX; cc. XXII, XXIII of the 6th; cc. III, IV, V, XIX of the 7th; c. XCI of Basil; c. XII of Laodicea; the letters of Gennadius and of Tarasius.)

Interpretation

According to Zonaras, Bishops, Presbyters, and Deacons are ordained by carrying out the rite called chirotonia (or chirotony); Anagnosts (or Readers, or Lectors), on the other hand, and Psalts (or Cantors or Choirmen), and Hegoumeni (or Priors) are ordained by carrying out the rite called chirothesia (or chirothesy) and sealing them;[85] others are merely nominated, without a seal, such as Stewards (Oeconomi), and Defensors (Ecdici), and Churchwardens (Paramonarii, i.e., Prosmonarii).[86] So the present Canon prescribes that if any bishop qualifies any of these or other clergymen for money, and out of greed sells the unvendible grace of the Spirit, he shall be deposed from the prelacy. In addition, the one so ordained is not to be allowed to profit by or derive any advantage from the ordination or nomination gained by this trafficking, but, on the contrary, he shall be expelled from the holy orders and office thus acquired. If anyone acts as middleman or intermediary in connection with these dealings of greed, in case he is a clergyman he is to be deposed, but if he is a monk or a layman, he is to be anathematized. Read also Ap. cc. XXIX and XXX.

3

It is come to the (knowledge of the) Council that some of those who had been listed in the roll of the Clergy hire other men's estates for the sake of filthy lucre, and undertake to negotiate secular affairs, to the neglect of the Divine liturgy, and betake themselves to the families of secular men, whose estates they undertake to manage out of love of money. Therefore the holy and great Council decrees that no Bishop, Clergyman, or Monk shall henceforth be allowed to farm any estate or office, or to involve himself in secular cares, unless he be unavoidably called by laws to the guardianship of minors, or the Bishop permit him to take care of the affairs of the church, or of those of orphans or widows unprovided for, and of persons in especial need of ecclesiastical assistance, for the fear of God. If anyone presume to transgress hereafter any of the rules herein decreed, that per son shall be liable to ecclesiastical penalties (or penances).

(Ap. cc. VI, LXXXI, LXXXIII; c. VII of the 4th; c. XI of the 1st-&-2nd; c. XVIII of Carthage; and c. X of the 7th.)

Interpretation

The present Canon decrees that inasmuch as it has come to the ears of the Council that some clergymen, for the sake of making a shameful profit, are wont to rent the real estate of others, and to undertake outside work as contractors,[87] or, in other words, to involve themselves in secular affairs for pecuniary profit, while neglecting the services attached to holy orders, and, on the other hand, entering the homes of secular persons and assuming the management of their property on account of avarice. For this reason this holy Council has decreed that henceforth no bishop or clergyman or monk shall rent real estate or involve himself in the management of secular affairs, except only in case he should be called upon by the laws to become a guardian of minors[88] (children are called minors from the time they are born until the fourteenth years of their age), or a curator, by which term is meant one who takes care of and attends to the needs of adolescents (persons are called adolescents from the fourteenth to the twenty-fifth years of their age), and unless the bishop of the city should urge him to take care of the affairs of the church, or orphans, and widows unprovided for, and other persons that are in especial need of ecclesiastical help and assistance, nor for the sake of any profit or gain, but only for the fear of God. If anyone, on the other hand, should dare at any time hereafter to transgress these rules, such person shall become liable to the ecclesiastical penalties. But what are these? They are those prescribed by the Apostolical Canons. Their forfeiture, that is to say, of the clericate. Read also Ap. c. VI.

4

Let them who sincerely and truly enter upon monastic life be accorded due honor. But inasmuch as some use the monk's garb to disturb the affairs of the Church and civil government, by going round in the cities negligently disregarding their duties, and even undertaking to build themselves monasteries, it is decreed that no one shall anywhere build or establish any monastery or any oratory (i.e., prayerhouse) without the consent and approval of the Bishop of the city; and that Monks in every city and country be subject to the Bishop, and embrace quietude, and pay heed only to fasting and prayer, while continuing in the places patiently whereunto they have been assigned, without intruding upon or meddling in ecclesiastical affairs, nor leaving their own monasteries, unless at any time they be permitted to do so by the Bishop of the city on account of some exigency; and that no one shall receive a slave into the monasteries to become a monk, without his owner's consent and approval. We have decreed that anyone transgressing this rule of ours shall be excluded from communion, in order that the name of God be not blasphemed. The Bishop of the city, however, is required to make proper provision for monasteries.

(Regarding this first part of this Canon, cf. c. XXIV of the 4th; c. XXI of the 7th; and c. I of the 1st-&-2nd. Regarding the second part, Ap. c. LXXXII; cc. XL, XLII of Basil; cc. LXXIII, XC of Carthage; c. LXXXV of the 6th and c. III of Gangra.)

Interpretation

The following things are prescribed by the present Canon. Those who truly and without any hypocrisy adopt the monastic life deserve to be duly honored. But since some employ the monastic habit as a pretext and lure to get themselves honored, and bring about confusion in ecclesiastical and civil affairs by wanting to meddle therein and by carelessly going about the cities, and make it their endeavor to build monasteries of their own, therefore it has seemed reasonable that no monk, either in a village, or in a city, or in the wilderness, or in a desert, or in any other place shall be allowed to build and establish a monastery or an oratory, without the consent and approval of the bishop of the region in question.[89] Monks living in any city or village shall be subject to the authority of the bishop of the region in question, and shall observe quietness of life and engage in only fasting and praying, and shall remain in those monasteries wherein they were shorn, without leaving them (see c. XXI of the 7th) and involving themselves in ecclesiastical and civil affairs,[90] unless as a matter of need and necessity they be appointed to do so by the bishop, after he has judged them to be fitted for such an undertaking. It has seemed reasonable in addition that no slave be admitted into a monastery to be shorn as a monk without the consent of his owner, lest other men seeing the monks engaged in worldly affairs, and the masters grieved about their slaves, be led to blaspheme the order of the monks, and hence through them the name of God be blasphemed. Anyone that violates this Canon or transgresses it shall be excommunicated. Yet, just as monks ought to confine their activities to the works that belong to monks, so ought also bishops to have diligence and foresight in providing for their monasteries, by protecting the monks and bestowing alms in exigencies either out of their own pocket or out of the poor money of the church, in accordance with Ap. c.XLI and c.XXV of Antioch, for two reasons: 1) in order that the monks may remain quiet and free from temptation; and 2) in order that he may himself derive therefrom something in the way of benefit to his soul.[91]

Canon XVII of the 7th Ec. C. likewise commands that the bishop shall prohibit monks from leaving their monasteries, and from undertaking to build oratories without having the expenses requisite to finish and furnish them. In addition thereto, c. I

of the 1st-&2nd refuses permission to anyone to build a monastery without the consent of the bishop, or after building one to become its owner and lord. Read also the Interpretation of Ap. c. LXXXII, and c. XXIV of the present Council.

5

As regards Bishops or Clergymen who go from city to city, it has seemed fitting that the Canons laid down by the Holy Fathers should remain in effect and be enforced.

(Ap. cc. XIV, XV; cc. XV, XVI of the 1st; c. XVII of the 6th; cc. III, XVI, XXI of Antioch; cc. I, II, XV, XVI, XIX of Sardica; and cc. LVII, LXIII, and XC of Carthage.)

Interpretation

This Canon prescribes that those Canons shall remain valid which were issued by the Holy Fathers to prohibit bishops as well as clergymen from going from one city or province to another city or province. Read them also in Ap. cc. XIV and XV.

6

It is decreed that no one shall be ordained at large either a Presbyter or a Deacon, nor anything else at all in the ecclesiastical ranks unless he be particularly assigned to the church of some city, or to a martyr, or to a monastery. As for those ordained at large the holy Council has determined that any such chirothesy shall be null and void, and that such ordainees shall not be allowed to officiate anywhere, to the dishonor of the ordainer.

(c. XIII of Neocaesarea.)

Interpretation

Wishing to prevent easily those in holy orders from going or being transferred from one locality to another in violation of the Canons, the cause and root of this evil being that they are ordained at large and indefinitely, the holy Council decrees in its present Canon that henceforth neither a priest nor a deacon nor any other ecclesiastic shall be ordained in such a manner, but must in any case be assigned to a church of a city or village, or to a monastery, or to the church of some martyr, to be mentioned by the prelate in the course of reciting the ordination prayer, by saying “The divine grace ordaineth so-and-so a Presbyter or Deacon of such or such a church, or monastery, by name — in identically the same manner, that is to say, in which the name of the province is pronounced aloud in the ordination of every bishop. As for all those who have been ordained indefinitely, the holy Council has ruled that the ordination be invalid, and that those so ordained shall not be allowed to officiate in any region; in order that the prelate performing the ordination contrary to the Canons be dishonored in consequence of this lack of the right to officiate, and be led to sobriety as a result of this dishonor, and be discouraged from doing so again.[92] But please bewail the fact, O reader, that in spite of the present Canon during the ordination of a deacon or presbyter today the name of a particular church or of a monastery is not specially mentioned, as required by the terms of this Canon, though this prescription appears to be an element of the ordination along with the other components thereof, notwithstanding that the violators of this rule fail to take this into account at all.

7

We have decreed in regard to those who have once been enrolled in the Clergy or who have become Monks shall not join the army nor obtain any secular position of dignity. Let those be anathematized who dare to do this and Jail to repent, so as to return to that which they had previously chosen on God’s account.

(Ap. cc. LXXXI, LXXXIII; cc. III, VI of the 4th; c. XI of the 1st-&2nd; c. XVIII of Carthage; and c. X of the 7th.)

Interpretation

The present Canon prescribes that clergymen and monks must not become soldiers, nor assume secular dignities. Those who do these things and fail to return again to their former occupation in life, which they chose on God’s account, are to be anathematized. But why is it that Ap. c. LXXXIII only deposes these men from office, whereas this Canon anathematizes them? Either the former Canon is referring to those, according to Zonaras and the other interpreters, who engage in such things while wearing the habit of the clergy; whereas the present Canon is speaking of those who discard even the clergyman’s or monk’s habit before engaging in such things. Or perhaps the present Canon is referring to those who, after once daring to do such things, refuse afterwards to repent and to return to their former life (which the Ap. c. does not say),

and for this reason it has made them liable to severer punishment on the ground that they are unrepentant.[93] See also Ap. c. VI and c. XVI of the present Fourth.

8

As for the Clergymen attached to poor houses or monasteries or martyries, let them remain under the authority of the bishop of the city in question, and not disrespectfully desert their own Bishop, in accordance with the teaching imparted by the holy Fathers. As regards those who dare to defy any such formal ruling, in any manner whatever, and who refuse to submit to their own Bishop, in case they are clergymen let them be liable to the penalties prescribed by the Canons, but if they are monks or laymen, let them be excluded from communion.

Interpretation

The decree of the present Canon is as follows. That as for any clergymen or persons in holy orders who are in churches belonging to poorhouses, orphan asylums, homes for the aged, hospitals, or monasteries, or to churches of martyrs, they must remain always subject to the bishop of the city in question, in accordance with the tradition received from the Holy Fathers, and not abscond from the authority of their own bishop disrespectfully. All those who dare to violate the present Canon in any way, and who refuse to submit to their own bishop, in case they are in holy orders or are clergymen, they are to be liable to the penalties prescribed by the Canons, and deemed reasonable by this same bishop of the region in question; but if they are monks or laymen, they are to be excommunicated. But why does the Canon, after mentioning further above only clergymen and monks, say also laymen further below? In order to expose those laymen on whose boldness and protection the clergymen and monks rely in showing disrespectfulness to the prelate and refusing to submit to his authority. [94]

9

If any Clergyman has a dispute with another, let him not leave his own Bishop and resort to secular courts, but let him first submit his case to his own Bishop, or let it be tried by referees chosen by both parties and approved by the Bishop. Let anyone who acts contrary hereto be liable to Canonical penalties. If, on the other hand, a Clergyman has a dispute with his own Bishop, or with some other Bishop, let it be tried by the Synod of the province. But if any Bishop or Clergyman has a dispute with the Metropolitan of the same province, let him apply either to the Exarch of the diocese or to the throne of the imperial capital Constantinople, and let it be tried before him.

(Ap. c. LXXIV; c. VI of the 1st; cc. XVII, XXI of the 4th; cc. XIV, XV of Antioch; cc. VIII, XII, XIV, XV, XXVII, XXVIII, XXXVI, LXXXVII, XCVI, CV, CXV, CXVIII, CXXXIV, CXXXVII, CXXXVIII, CXXXIX.)

Interpretation

When one clergyman has a dispute with another clergyman, the present Canon prescribes that he must not leave his own bishop and present his case to secular courts, but, on the contrary, he must first present it to his bishop, or else, with the permission and consent of his bishop, he may have his case tried by referees (or chosen judges), with whom both parties, the plaintiff and the defendant, are well pleased. As for any clergyman that does otherwise, let him be subjected by the bishops to canonical penalties. But when a clergyman has a dispute with his own bishop, let the case be tried before the Synod of the province. When, again, a bishop or a clergyman has a dispute with the Metropolitan, let him go to the Exarch of the diocese, [95] or to the throne of the imperial capital Constantinople, and let the case be tried by him.

Canon XVIII of Carthage prescribes that if presbyters and deacons are accused, the presbyter shall choose six, and the deacon three, bishops from neighboring districts, and let their own bishop try their case in conjunction with these others; and that two months' time shall be allowed them too, and that the persons of their accusers be examined in the same way as in the case of a trial by the bishop alone. But as for the other clergymen, they are to be tried by the local bishop alone. But a single bishop cannot decide the case of any bishop or presbyter or deacon, according to c. CXVIII of the same Ec. C. of Carthage. Canon LXXXVII of the same C. says that if clergymen charged with any crime fail to prove themselves innocent within a year, they shall no longer have the right to present a defense. Canon CXV of the same C. says that if a clergyman quarreling with anyone asks the Emperor for a civil trial court, and refuses to accept the bishop's decision, he shall be deposed from office. Justinian Novel 123 (found in Book III of the Basilica, Title I, ch. 35) further decrees that anyone who has any matter of dispute to be tried in court with a clergyman, or a monk, or a deaconess, or a nun, or any ascetic woman, he shall first take his case to the bishop to whom the litigants in question are subject; and if the bishop decide the case to the satisfaction of both parties, the ruler (i.e., the civil magistrate) is obliged to carry out the sentence pronounced by the bishop.

And in the same Novel, ch. 36, it is declared that if the matter is an ecclesiastical one, the civil magistrates are to have nothing to do with it at all, but only the bishops, in accordance with the Canons, are to decide it. But in the same Novel, ch. 8, it is decreed that “if the accused one is a bishop, his Metropolitan shall examine into the facts of his case; if, on the other hand, the accused one himself is a Metropolitan, the Archbishop to whom he is subject shall examine into the facts of his case; but if the one accused is a presbyter, or a deacon, or a clergyman, or an abbot, or a monk, his bishop shall consider his case, and, according to the gravity of each one’s offense, shall impose the proper Canonical penances (or penalties).” Read also Ap. c. LXXIV and c. VI of the First.

10

Let no clergyman be entitled to be on the roll of the churches of two different churches at the same time, i.e., of that in which he was originally ordained, and of that to which he has resorted on the plea that it appeals to him more than the other because of its being a larger church, when in reality he is actuated by vainglory. As for those who do so, let them be reinstated in their own church, wherein they were originally ordained, and let them officiate there only. If, on the other hand, anyone has been already translated from one church to another, let him have nothing to do with the affairs of the former church, as regards the martyrdom connected to it, or the poorhouses, or the inns, administered by it. As for those who dare to do anything hereby prohibited, after the definition of this great and ecumenical Council, this holy Council has decided that he shall forfeit his own rank.

(Ap. c. XV; cc. XV, XVI of the 1st; cc. V, XX of the 4th; cc. XVII, XVIII of the 6th; c. XV of the 7th; c. III of Antioch; cc. LXIII, XCVIII of Carthage; cc. XV, XVI, XIX of Sardica.)

Interpretation

The present Canon decrees that it is not permissible for a clergyman to be enrolled at the same time in the churches of two different cities (or even of one and the same city, according to c. XV of the 7th), namely, in the one in which he was ordained in the beginning, and in another to which he went thereafter on the pretext of its being a larger church, on account of vainglory and greed. As for all those who do this hereafter, they are to be compelled to return to their former church, where they were ordained, and are to perform the functions of the clergy there only. But if anyone has succeeded already in having himself translated, or transferred, from one church to another, and remains thus translated, let him no longer receive any apportionment from the affairs of the former church, by which is meant inns, poorhouses, and martyric temples. Whoever should dare after this Canon of the great Council to do any of these things, he is to be deposed from office. Novel 16 (found in Title III of Book III of the Basilica) prescribes that if the clergyman of any church should die, another one is not immediately to take his place, but that if there are more clergymen in other churches among those already ordained, let one of them be taken to fill the place left vacant by the clergyman in question, until the clergymen of each particular church reach the number prescribed in the beginning. See also Ap. c. XV.

11

As for all those who are indigent and in need of assistance, upon proof, we have made it a rule that they are to travel only with pacific ecclesiastical letters, and not with recommendatory letters; for recommendatory letters are to be granted only to persons who are under suspicion.

(Ap. cc. XII, XXXIII; c. XIII of the 4th; c. XVII of the 6th; cc. VII, VIII, and XI of Antioch; cc. XLI, XLII of Laodicea; cc. VII, VIII of Sardica; cc. XXXI, XCVII, and CXVI of Carthage.)

Interpretation

All those who are indigent and in need of help, the present Canon decrees, are first to be investigated as to whether they are truly in need of aid, and, this being ascertained, after examination, to be a fact, they are to receive from the bishops little letters called “pacific” letters on account of the fact that they used to afford peace to those who were suffering from wrath and the unjust decision of civil magistrates and dynasts (such letters were also called letters dismissory); but they are not to receive also letters recommendatory. For letters recommendatory are to be given for the most part to those persons whose reputation, or repute, had previously been besmirched, and who are recommended and declared innocent in the recommendatory letters.[96] Read the Interpretation of and the Footnote to Ap. c. XIV.

12

It has come to our knowledge that some persons, by resorting to the civil authorities, have obtained pragmatics whereby they have contrived to divide one province into two, contrary to the ecclesiastical Canons, and as a result there are two Metropolitans in one and the same province. The holy Council has therefore made it a rule that no Bishop shall hereafter be allowed to do such a thing. For, if anyone shall attempt to do so, he shall forfeit his own rank. As for all those cities which have already been honored with the name of Metropolis by letters of the Emperor, let them enjoy only the honor, and likewise the Bishop who is administering its church; it being left plain that the rights properly belonging to the real Metropolis are to be preserved to this Metropolis (alone).

(c. VIII of the First; Ap. c. XXXIV; ec. VI, VII of the First; cc. II, III of the 2nd; c. XXVIII of the 4th; cc. XXXVI, XXXIX of the 6th; c. VIII of the 3rd.)

Interpretation

Inasmuch as some ambitious bishops by applying to the Emperors have contrived to get Imperial edicts (for these are what are called “pragmatics” in the Canon here), whereby they have sought to have their bishoprics honored with the name of Metropolis, and have thus virtually divided the one province and metropolis into two, so that as a result of this two metropolitans came to be in one and the same metropolis (which is contrary to the Conciliar Canons, and especially to c. VIII of the 1st), and the bishops of that province were hence led to quarrel among themselves;[97] therefore and on this account this holy Council has made it a rule that no bishop shall dare henceforth to do this. As for anyone that merely attempts to do such a thing, without succeeding in doing it, he shall be deposed from office. But as for all bishoprics and cities that hitherto succeeded in attaining, by means of imperial letters, to the honor of being allowed the name of Metropolis, let them have only the honor of this name, and the same as touching the Bishop to whom they appertain. The rights, however, and the authority to govern the affairs of the metropolis are to be preserved to the city which had originally and truly and from the beginning styled metropolis, and which is really the Metropolis,[98] without allowing the new Metropolitan, who bears this title only as an honorary title, to usurp anything therefrom. The right of a true metropolis, it may be observed, consists principally in its being the one whose Metropolitan ordains the Bishop of the honorary metropolis, in accordance with c. VI of the First Ec. C., which says that one who has not been ordained with the consent and approval of the Metropolitan is not a bishop. Read also Ap. c. XXXIV.

13

Strange Clergymen and Anagnosts are not to be allowed to conduct services anywhere in a different city without having letters recommendatory from their own Bishop.

(Ap. cc. XII, XV.)

Interpretation

The present Canon prescribes that strange clergymen and anagnosts are not to be allowed to perform any function of their clericate unless they are provided with letters recommendatory attesting both their ordination and their orthodoxy and the guiltlessness of their past life; though as laymen that may commune there. Read also the interpretations of Ap. cc. XII and XV, together with the series of parallel Canons; for the space afforded by the present Canon would not suffice even to admit of their enumeration.

14

Inasmuch as Anagnosts and Psalts in some provinces have been permitted to marry, the holy Council has made it a rule that none of them shall be allowed to take a wife that is of a different faith. As for those who have already had children as a result of such a marriage, if they have already had their offspring baptized by heretics, let them bring them into the communion of the catholic Church. But if they have not baptized them, let them no longer have any right to baptize them with heretics, nor, indeed, even to contract a marriage with a heretic, or a Jew, or a Greek, unless they first promise and undertake to convert the person joined to the Orthodox Christian to the Orthodox faith. If, on the other hand, anyone transgresses this rule of the holy Council, let him be liable to a Canonical penalty.

(Ap. c. XXVI; cc. VI and LXXII of the 6th; cc. X and XXXI of Laodicea; cc. XIX, XXIX, XXXIII of Carthage.)

Interpretation

Notwithstanding that Ap. c. XXVI commands that Anagnosts and Psalts may marry after being installed by chirothesy, it appears from what the present Canon says that this was not permitted everywhere (and especially in Africa, according to its c. XIX). So this holy Council makes it a rule that in those regions where this is allowed that no Anagnost or Psalt shall take a woman of a different faith to wife. All those, on the other hand, who have already begotten children by such an unlawful marriage must bring them into the catholic Church. Accordingly, if they have baptized a child with the baptism of heretics, in case that heretical baptism with which the child has been baptized does not differ from the Orthodox baptism so far as concerns the matter and form, but, on the contrary, is acceptable to the Orthodox Church, they shall have the child anointed only with myron (or chrism), as Zonaras says (though it would be more correct and safer for them to be baptized, seeing that the baptism of all heretics is in the nature of a pollution, and not a baptism; read also the Interpretations of Ap. cc. XLVI, XLVII, and LXVIII). But if that baptism was not acceptable the child is to be rebaptized. But if, on the other hand, they have not yet baptized the children, they are not to baptize them any longer with the heretical baptism, nor are they to join them in marriage with a heretic, that is to say, either with a Jew or with a Greek, with one, in other words, who is an infidel and idolater. But if the heretic should promise to become an Orthodox Christian, let him first become one in accordance with his promise, and then let the marriage be performed. If anyone transgresses these rules, let him be liable to the penalties prescribed by the Canons, that is to say, by the foresaid Apostolic Canons.

Concord

In a similar manner c. XXXI of Laodicea commands Christians not to give their children (in marriage) to heretics, but rather to take any from them provided that they promise to become Christians. In addition, c. X of Laodicea, i.e., of the same Council, prohibits ecclesiastics from joining their children in marriage with heretics. This same rule is also laid down by c. XXIX of Carthage; while c. LXXII of the 6th even goes so far as to annul and invalidate any marriage contracted, not only by a clergyman, but also by any Orthodox Christian man or woman in general with heretics. But as for those who from the first and originally were heretics, and the one of them was later baptized by them, and they do not want to be separated, let them not be divorced, according to the same Canon and according to St. Paul, though St. Paul prohibits marriage with infidels, by saying: "Be ye not unequally yoked with infidels" (II Cor. 6:14). Read also Ap. c. XXVI.[99]

15

Let no woman be ordained a deaconess before the age of forty, and even then after a strict test. But if she, after receiving the gift of chirothesy and remaining for some time in the ministry, proceeds to give herself in marriage, thus insulting the grace of God, let any such actress be anathematized together with the man who has joined himself with her in marriage.

(c. XIX of the 1st; cc. XIV and XI of the 6th; c. XLIV of Basil.)

Interpretation

Owing to the ease with which women are deceived and the ease with which they are ruined, the present Canon commands that no woman shall be ordained a deaconess if she is less than forty years old. Yet even if she is forty years old, again, it forbids her to be ordained at random and perfunctorily; on the contrary, it requires the ordination to be performed only after a strict investigation of her life and past habits. In case, however, even after being thus ordained and serving as a deaconess for some time, she afterwards scorns the grace of God and marries, any such woman is to be anathematized together with the man who has married her. Armenopoulos, moreover, says (Book VI, Title III) that those who have induced deaconesses and nuns to become prostitutes are to have their noses cut off along with those of the women whom they have led into prostitution. See also the Interpretation of c. XIX of the First Ec. C. and the third Footnote thereto.

16

If any virgin has dedicated herself to the Lord God, or any men likewise have become monks, let them not be permitted to engage in marriage. If, however, they be found to be doing this, let them be denied communion, and be excluded therefrom. But we have made it a rule that the local Bishop is to have control of kindness in regard to the treatment of them.

(c. VII of the 4th; c. XLIV of the 6th; c. XIX of Carthage; and cc. VI, XVIII, XIX, XX, and LX of Basil.)

Interpretation

In times of old some women wearing lay garb would dedicate themselves to God, as becomes plain from what is said about this in c. XLV of the 6th, and they would agree while in full possession of their reasoning powers to remain virgins; and after being further tried and found true to their promise, they would be numbered among the other virgins (for, according to c. XVIII of Basil, any such woman used to be called a virgin. Moreover, they assumed the black habit, according to c. XLV of the 6th). Hence it is that the present Canon decrees that these virgins, and equally so monks in particular, who either as an inference justified by their keeping silent about it are inclined to celibacy, or when asked about it actually agree to remain virgins, in accordance with c. XIX of Basil, are not permitted to marry and to violate the agreements and stipulations which they have made with God. For, if the agreements which men make with one another are confirmed by the name of God being taken in the midst thereof, as St. Gregory the Theologian says, how great indeed is the danger of their being found to be violators of those agreements which they have made with God directly! And if, according to Basil the Great (Ascetic Ordinance 21) a monk, as having reaped fruit and having dedicated his body to God, no longer has control over what has been dedicated to God nor any right to have it for the use and convenience of his relatives, how much more he is unable to have it for the purpose of carnal intercourse![100] If, nevertheless, there be found some to have done this, let them be excommunicated. But let the local bishop have the power to treat them with philanthropy or kindness, and either to mitigate their punishment or to shorten the time of their penance. This does not mean that the marriage tie may remain indissoluble, but, on the contrary, it is implied that the parties to the marriage are to be divorced from each other. For, in point of fact, it is a case of fornication, or rather to say of adultery, and not a marriage that occurred, according to St. Basil the Great in his c. VI and his VIII; see also c. VII of the present Council.

17

As touching rural parishes, or country parishes, in any province, they shall remain in the undisputed possession of the bishops now holding them, and especially if they have held them in their possession and have managed them without coercion for thirty years or more. But if during a period of thirty years there has arisen or should arise some dispute concerning them, those claiming to have been unjustly treated shall be permitted to complain to the Synod of the province. But if anyone has been unjustly treated by his own Metropolitan, let him complain to the Exarch of the diocese, or let him have his case tried before the throne of Constantinople, according as he may choose. If, on the other hand, any city has been rebuilt by imperial authority, or has been built anew again, pursuant to civil and public formalities, let the order of the ecclesiastical parishes be followed.

(Ap. c. LXXIV; c. VI of the 1st; cc. IX, XXI of the 4th; cc. XIV, XV of Antioch; cc. VIII, XII, XIV, XV, XVI, XXVII, XXVIII, XXXVI, LXXXVII, XCVI, CV, CXV, CXVIII, CXXVIII, CXXIX, CXXX, CXXXVII, CXXXVIII, and CXXXIX; cc. XXV and XXXVIII of the 6th.)

Interpretation

Rural parishes are small parishes which are situated in outlying and distant parts of the country, and being inhabited by few human beings they used to be called *monoecia* (which word meant, in Greek, “lone habitations”). Country parishes, on the other hand, are parishes which were near cultivated fields and villages, and had a greater number of inhabitants. So it is these parishes in every province that the present Canon commands to remain inalienable and indetachable from the bishops to whom they belong, and especially if they have belonged to them and been under their authority for as many as thirty years in good faith and without coercion, that is to say, without their being forced to submit to it and without their being grabbed up on an unjust or unfair pretext.[101] But if during the course of the thirty years there had arisen any dispute concerning them, or if after the enactment of the present Canon there should arise any dispute concerning them, those who claim to have been unjustly treated in regard thereto are given permission to have their dispute considered by the Synod of the province. If, again, anyone should claim to have been unjustly treated in regard thereto by his Metropolitan, let him refer his case to the Exarch and chief head of the diocese (whose function, however, was abolished or fell into desuetude after this Fourth Ec. C. was held, as we said in Footnote to c. IX of the present C.), or to the Bishop of Constantinople, as previously stated. If, on the other hand, there has heretofore been built any city by imperial authority, or if any be so built hereafter, then the neighboring bishop shall not try to subject it to his own authority and claim it as a parish of his own, since the order of the parishes of that church have to follow the civil laws and ordinances which may be decreed by the emperor in regard to the newly-built city, not vice versa.[102]

Note that, after dividing this Canon into two sections, the Sixth Ec. C. incorporated in its own c. XXV that part of this present canon which ends with the words “complain to the Synod of the province,” while it incorporates the words following these to the end in its own c. XXXVIII. Note also that c.CXXIX of Carthage prescribes that if any bishop

succeeds in converting any region of heretics to Orthodoxy and holding it for three years straight, without its being reclaimed by the one who ought to have reclaimed it, it shall no longer be subject to being reclaimed by him. The same Council's c. CXXVIII declares that heretics converted to the catholic unity shall be subject to that throne to which the catholic union of Orthodox Christians situated therein had been subject of old. In addition, c. CXXX says that in case anyone deems any laity belonging to another to be wrongly held by him and appropriates it as his own, not by virtue of letters of the bishop possessing it, or at the request of the Council or Synod, but by despotism and assault, he shall lose that laity, even though it really were his, and even though he assert that he had letters from the chief head. Read also the Interpretations of Ap. c. LXXIV, of c. VI of the First Ec. C., and c. IX of the present Fourth Ec. C.

18

The crime of conspiracy, or of faction (i.e., of factious partisanship), already prohibited by secular laws, ought still more to be forbidden to obtain in the Church of God. If, therefore, there be found any Clergymen, or Monastics, to be conspiring or to be engaged in factiousness of any kind, or hatching plots against Bishops or Fellow Clergymen[103] they shall forfeit their own rank altogether.

(Ap. c. XXXI; c. XXXIV of the 6th; cc. X, LXII of Carthage; c. VI of Gangra; c. V of Antioch; and cc. III, XIV, XV of the 1st-&-2nd.

Interpretation

A conspiracy is a combination of men leagued together and with one another by oaths; a faction, on the other hand, is a combination of men leagued together and with one another by agreement and resolution not to give up the undertakings to which they have bound or committed themselves against another person until they have carried them out to completion. Those Jews entered into a conspiracy who conspired against St. Paul, as historically recorded by sacred Luke in the Acts of the Apostles (Acts 23:21) wherein the latter says: "more than forty men who have bound themselves with an oath that they will neither eat nor drink till they have killed him" (sc. St. Paul). So, therefore, what the present Canon means is that though the crime of conspiracy and that of faction are prohibited even by the secular, or civil, laws themselves of Greek[104] as well as of Orthodox emperors, who indeed adopted the most of their laws from the Greeks,[105] this thing ought still more to be forbidden to occur in the Church of God. So if some clergymen or monks be found to be engaged in conspiracy or faction, or in plotting any other callous and cunning machinations or intrigues (for that is what is denoted by the Greek word corresponding to the verb "hatch," in accordance with the Scriptural passage saying "their heart hath become as crusty as cheese," instead of saying "hath become as callous or hard as cheese") against their bishops or fellow clergymen, let them be deposed from office. Read also the Interpretation of Ap. C. XXXI.

19

It has come to our ears that the canonically prescribed Synods of Bishops are not held in the provinces, and as a result of this fact many ecclesiastical matters in need of correction are neglected. The holy Council, therefore, has made it a rule, in accordance with the Canons of the Holy Fathers, for the Bishops to meet twice a year in convention somewhere in each province, wherever the Bishop of the Metropolis designates, and for all matters to be corrected that may come up. As for those Bishops, on the other hand, who fail to attend the meeting, but who, instead of doing so, remain at home in their respective cities, and lead their lives therein in good health and free from every indispensable and necessary occupation, they are to be reprimanded in a brotherly way.

(Ap. c. XXXVII; c. V. of the 1st; c. VIII of the 6th; c. VI of the 7th; c. XX of Antioch; cc. XXVI, LXXXI, LXXXIV, LXXXV, and CIV of Carthage.)

Interpretation

In view of the fact that the two Synods which were canonically arranged to take place twice in every year were not being held, and as a result of this many ecclesiastical affairs in need of adjustment were being neglected, the present Canon on this account decrees that the bishops shall meet twice a year in each province wherever the Metropolitan may deem fit, and adjust whatever affairs may arise from time to time for correction. As for any bishops, on the other hand, who, in spite of their being in good health and free from any necessary care, fail to attend the meeting, they are to be given a brotherly reprimand. Read also the Interpretation of Ap. c. XXXVII.

20

As we have already decreed, it is not permissible for clergymen officiating in a church to be given a church in another city; but, on the contrary, they must rest content with the one in which they were originally deemed worthy to conduct divine services: except those who have gone over to another church as a result of their having been forced to flee from their own country. If any Bishop nevertheless admits a clergyman belonging to another Bishop, after promulgation of this rule, it has been decided that both of them, i.e., the Clergyman so admitted and the Bishop admitting him, are to be excluded from communion until such time as the Clergyman who has left his own city see fit to return to his own church.

(Ap. c. XV; cc. XV, XVI of the 1st; cc. V, X, XXIII of the 4th; cc. XVII, XVIII of the 6th; c. XV of the 7th; c. III of Antioch; cc. LXIII, XCVIII of Carthage; cc. XV, XVI, and XIX of Sardica.)

Interpretation

Clergymen (as has been stated in c. VIII) who are conducting services in one church are not permitted to be transferred to another in another city, but, on the contrary, they are obliged to stay in the one in which they happened originally to be appointed to officiate; except only those who have been compelled to flee from their motherland or home city by any necessity, or who have suffered an incursion of barbarians, and on that account have been transferred to another church (and who themselves must return to their own church whenever the incursion of barbarians has passed, according to c. XVIII of the 6th). Any bishop, after the present Canon has been put forth, who accepts a clergyman of another bishop, as well as the clergyman he accepted, shall be excommunicated from communion with his fellow bishops and fellow clergymen, until such time as the strange clergyman decides to go back to his own church. Read also the Interpretation of Ap. c. XV.

21

Clergymen or laymen accusing Bishops or Clergymen are not to be allowed to file charges against them promiscuously and without investigation until their own reputation has been examined into.

(Ap. c. LXXIV; c. VI of the 2nd; cc. VIII, XXVII, CXXXVII, CXXXVIII, and CXXXIX of Carthage.)

Interpretation

The present Canon prescribes that those clergymen or laymen who accuse bishops or clergymen in regard to any matter that is not of a financial or private nature, but of an ecclesiastical and criminal nature, are not to be allowed to bring charges against them simply as a matter of course and without any previous investigation unless their own reputation has first been looked into to make sure that they are not persons that have been aspersed and accused. See, in this connection, also Ap. c. LXXIV and c. VI of the 2nd Ec. C.

22

Clergymen, after the death of their own Bishop, shall not be allowed to seize his effects, as is prohibited even by the Canons of old,[106] on pain of being shorn of their own offices.

(Ap. c. XL; c. XXIV of Antioch; c. XXXV of the 6th; cc. XXX and LXXXIX of Carthage.)

Interpretation

Upon the death of their bishop, says the present Canon, clergymen must not seize their effects — a thing which even the Canons of old forbade them to do (as, e.g., Ap. c. LX and c. XXIV of Antioch). Those who do this are to incur the penalty of losing their own rank and office. Read also the Interpretation of Ap. c. XL.

23

It has come to the ears of the holy Council that certain Clergymen and Monastics, without being handed any permission by their own bishop, and in fact, sometimes even after he has excluded them from communion, have resorted to the imperial city of Constantinople, and stay there a long time, causing disturbances and meddling the ecclesiastical situation, and engender upheavals in the households of some persons. Hence the holy Council has decreed that they first be reminded, through the Defensor of the most holy Church of Constantinople, to take their departure from the imperial city. But if they impudently persist in doing the same things, they are to be expelled from the city even against their will through the same Defensor, and are to betake themselves to their own regions.

(Ap. c. XV; cc. XV, XVI of the 1st; cc. V, X, XX of the 4th; cc. XVII, XCVIII of the 6th; c. XV of the 7th; c. III of Antioch; cc. LXIII, XCVIII of Carthage; cc. XV, XVI, XIX of Sardica.)

Interpretation

Since this Council has learned that some clergymen and monks, notwithstanding that they have not any ecclesiastical authority in their hands, because their own bishop has not judged them worthy of such permission, and even at times in spite of the fact that they have been excommunicated by him, go to Constantinople and stay in that city for a long time, disturb the conditions of the Church and cause disorder in the homes either of Christians who receive them or of fellow clergymen who have imitated them; this Council therefore by means of its present Canon decrees that they first be notified through the Defensor of the church to depart from Constantinople peaceably. But if they impudently persist in doing the same things in spite of this admonition, they are to be driven out against their will by means of the same Defensor and are to hie themselves back home. As for what a defensor is, see the Footnote to c. II of the present Council. See also Ap. c. XV.

24

As for Monasteries which have once been consecrated with the consent of the Bishop, they are to remain Monasteries perpetually, and the property owned by them is to be kept safe, and no more be permitted to serve as mundane haunts of vice. Those who permit this to occur are liable to the penances provided by the Canons.

(c. IV of the 4th; c. XLIX of the 6th; cc. XII, XIX of the 7th; c. I of the 1st-&-2nd; c. II of Cyril.)

Interpretation

The present Canon prescribes that all monasteries that have once been established and consecrated with the consent and permission and approval of the Bishop having jurisdiction of that particular region in which they are situated (as we have previously asserted in connection with c. IV of the present Council, q.v.), they are to remain monasteries forever, and henceforth no more to be converted into common and mundane haunts of vice or the like. All real and personal property belonging to them must likewise be kept inalienable and undiminished. All persons who, though not themselves converting them into mundane resorts, nor removing any of their property, give permission to others to do so, are to be held responsible for their acts and liable to the penalties provided by the Canons. But what are these penalties? They are the ones mentioned by the 7th Ec. C. in its c. XIII, wherein it deposes the clergymen from office, and excommunicates those laymen and monks who have seized monasteries and bishoprics, and have converted them into common resorts and refuse to return them in order to let them become sacred again just as they were formerly.

Canon XLIX of the 6th not only commands that monasteries are not to be permitted to become common and mundane habitations, but also that they are not to be turned over to seculars by anyone, in order, that is to say, that they may be protected and managed. Canon XII of the 7th also prohibits any abbot from alienating the monasteries' own works and effects. Canon XIX of the same Council will not allow a monk to take back things which he has given to his monastery if he departs of his own accord. And c. II of Cyril specifies that jewels and other valuable articles and real estate are to remain inalienable from the churches to which they belong.[107]

25

Whereas some Metropolitans, as we have been informed, neglect the flocks committed to their care, and postpone the ordinations of Bishops, the holy Council has decreed that they must perform ordinations within three months, unless some unavoidable necessity require the time to be lengthened. If they fail[108] to carry out this rule, they shall be liable to ecclesiastical penances; and the means profits of the widow church shall be preserved to be retained by the Steward (or Oeconomus) of the same church.

(Ap. c. LVIII; c. XIX of the 6th; c. XVI of the 1st-&-2nd; cc. XI, XII of Sardica; cc. LXXIX, LXXXII, LXXXVI, CXXXI, CXXXI, CXXXII of Carthage, and c. X of Peter.)

Interpretation

The present Canon prescribes that Metropolitans must not neglect their flocks, and postpone the ordination of the bishops subject to them; but, on the contrary, after the death of the bishop who has passed away, they must ordain another bishop for the vacant bishopric within three months, unless there be some unavoidable necessity forcing them to prolong the time of

postponement (for perhaps that particular bishopric may have been captured by barbarians, or some other woe may have befallen it, and for this reason no one can go there). Any Metropolitan that is remiss in this respect, becomes liable to canonical penances. The income, however, from the affairs of that bishopric must be kept by the steward safe and intact until he surrenders it to the bishop-to-be. See also Ap. cc. LVIII and XL.

26

Since in some churches, as we have been informed, the Bishops are administering the ecclesiastical affairs with the services of a Steward, it has seemed most reasonable and right that each and every church that has a Bishop should also have a Steward selected from its own Clergy to manage the ecclesiastical affairs of that particular church in accordance with the views and ideas of its own Bishop, so as to provide against the administration of the church being unwitnessed, so as to prevent the property of the same church from being wasted as a result of such stewardless administration and to prevent any obloquy from attaching itself to holy orders.

(Ap. cc. XXXVIII, XL; cc. XI, XII of the 7th; cc. XXIV, XXV of Antioch; c. VII of the 1st-&-2nd; cc. XXXIV, XLI of Carthage; c. VII of Gangra; c. XV of Ancyra; c. LXX of Theophilus; and c. II of Cyril.)

Interpretation

Since, says the present Canon, we have been told that in some provinces bishops are administering the affairs of the church by themselves without the help of a steward and just as they please, for this reason it has appeared reasonable that the bishop of every church should have a steward, selected, not from his own intimate servants or relatives, but from his clergymen, to manage the affairs of the church in accordance with wishes based upon the best judgment of the same bishop, so that there should be no witness wanting to prove where, and how, and when the income of the church is spent, and to prevent the prelate from arousing any suspicion among the laity and giving it cause to accuse him of wasting the funds of the church. As for any prelate that fails to live up to this Canon, he shall be liable to the penalties provided by the divine Canons. But just as a prelate ought to have a steward to manage the affairs of the church, so ought an abbot to have a steward to manage the affairs of his monastery.[109] Read also Ap. cc. XXXVII and XLI.

27

The holy Council has made it a rule regarding those who take women by force[110] under pretense of marriage, and their accomplices and abettors, that if they should be Clergymen, they shall forfeit their own rank, but if they are laymen, they shall be anathematized.

(c. XCII of the 6th; c. XI of Ancyra; cc. XXII, XXX, XXXVIII, XLII, and LIII of Basil.)

Interpretation

The present Canon, dealing with the forcible seizure of women in a harsher way than the other Canons do, penances those who seize women forcibly with a view to taking them to wife. For it deposes from office not only those clergymen who seize them by force, but also those who helped them to do so, and those who incited them to such a seizure by words of advice or encouragement; or if they be laymen, it anathematizes them, and in a manner which is quite just. For the one who seizes them can offer as a pretext the allegation that he is impelled by the urge of his absurd and improper love of women, but his accomplices and abettors are not impelled to this absurd and improper act by any such incentive, save the viciousness of their head and their bad judgment.[111]

28

Everywhere following the decrees of the Holy Fathers, and aware of the recently recognized Canon of the one hundred and fifty most God-beloved Bishops who convened during the reign of Theodosius the Great of pious memory, who became emperor in the imperial city of Constantinople otherwise known as New Rome; we too decree and vote the same things in regard to the privileges and priorities of the most holy Church of that same Constantinople and New Rome. And this is in keeping with the fact that the Fathers naturally enough granted the priorities to the throne of Old Rome on account of her being the imperial capital. And motivated by the same object and aim the one hundred and fifty most God-beloved Bishops have accorded the like priorities to the most holy throne of New Rome, with good reason deeming that the city which is the seat of an empire, and of a senate, and is equal to old imperial Rome in respect of other privileges and priorities, should be magnified also as she is in respect of ecclesiastical affairs, as coming next after her, or as being second to her. And it is

arranged so that only the Metropolitans of the Pontic, Asian, and Thracian dioceses shall be ordained by the most holy throne of the most holy Church of Constantinople aforesaid, and likewise the Bishops of the aforesaid dioceses which are situated in barbarian lands; that is to say, that each Metropolitan of the aforesaid dioceses, together with the Bishops of the province, shall ordain the Bishops of the province, just as is prescribed by the divine Canons. But the Metropolitans of the aforesaid dioceses, as has been said, are to be ordained by the Archbishop of Constantinople, after the elections have first been conducted in accordance with custom, and have been reported to him. (Ap c. XXXIV; c. III of the 2nd and c. XXXVI of the 6th.)

Interpretation

Since at this Fourth Council c. III of the Second Council was read, which decrees that the Bishop of Constantinople is to enjoy priorities of honor with the Bishop of Rome, seeing that it is New Rome, therefore the fathers of this Council too, by means of their present Canon, renew and confirm the said Canon, and they decree and vote the same things as regards the priorities of the same city of Constantinople which is also known as New Rome. For, they say, just as the Fathers bestowed privileges upon the throne of Old Rome on account of the fact that it was the capital of an empire, and were fully justified in doing so, owing, that is to say, to his being first in point of order among the rest of the Patriarchs. In exactly the same way and motivated by exactly the same object and aim, the one hundred and fifty most God-beloved bishops of the second Council have bestowed exactly the same and equal privileges of honor also upon the most holy throne of New Rome[112] — of Constantinople, that is to say — deeming it quite reasonable that this city, in view of the fact that it has been honored by being made the seat of an empire and of a senate, in a similar manner as has also (old) Rome, ought to enjoy the same and equal privileges in a similar manner as has also (old) Rome, and to be magnified herself also in exactly the same way as the latter is in connection with ecclesiastical matters, with the sole difference that old Rome is to be first in order, while new Rome is to be second in order. In addition to these things we decree and vote that only the Metropolitans (but not also the Bishops, that is to say, that are subject to the Metropolitans; for each of these is ordained by his own Metropolitan together with the bishops of the province, just as the divine Canons prescribe, especially c. VI of the First) shall be ordained by the aforesaid most holy throne of Constantinople. Not only are the Metropolitans of the said dioceses to be ordained by him, but indeed also the bishops located in barbarian regions that border on the said dioceses, as, for instance, those called Alani are adjacent to and flank the diocese of Pontus, while the Russians border on that of Thrace. Nevertheless, the said Metropolitans are not to be ordained by the Bishop of Constantinople just as he pleases and decides, but he must take the votes of the Synod under him into consideration as reported to him in accordance with established custom, and then ordain those men on whom the voters have agreed, either unanimously or as a majority.[113]

29

For a Bishop to bear the rank of Presbyter is sacrilege. If, however, any just reason determines their removal from practice as Bishops, then neither ought they to occupy the position of Presbyter. But if for any cause than some crime they have been deprived of the dignity and office, they shall be restored to the dignity and office of the Episcopate.

Interpretation

In Act 4 of the present Fourth Council it is written (on p. 150 of the second volume of the Collection of the Councils) that Photius, the Bishop of Tyre, called the attention of Emperor Marcianus to the fact that Eustathius, the Bishop of Beyrut (or, as others say, Eusebius of Tyre, though the preceding identification is more likely to be the true one) detached from Tyre various bishoprics, to wit, Biblus, Botrys, Tripolis, Orthosias, Areas, and Antarandus, and, deposing the bishops whom he had ordained, degraded them to the rank of presbyter. The Senate of the rulers accordingly brought this matter to the attention of the Council; by way of reply, on the part of the legates of the Pope as well as the Bishop of Constantinople and the entire Council, the present Canon was issued, wherein they declare that it is sacrilege for anyone to degrade a bishop to the rank and position of a presbyter; for if he is deposed on account of any crimes and is excluded from the functions and offices of the prelacy, such a person cannot be even a priest. If, on the other hand, without having any impediment in the way of crime he has been expelled from the prelacy, he is to be allowed to regain his office and dignity on the ground that he has lost it unjustly, and it is but his just due that he should be restored to his rightful position and be a bishop again. Zonaras, in fact, declares that it is worse than sacrilege for a bishop to be unjustly reduced to the rank of presbyter; for, says he, it is not something sacred that is being treated sacrilegiously and stolen, but something more than sacred, because, says he, through the invocation of the prelate churches and temples and other sacred objects are consecrated and hallowed and sanctified by virtue of the visitation of the Holy Spirit, and it must be admitted at all events that that which sanctifies is greater than that which is sanctified. As for why this Canon prohibits this, whereas c. XX of the 6th reduces to the position of presbyter any bishop that goes teaching beyond his boundaries without the consent and approval of the bishop holding sway over the region in question, see the solution of this puzzling question in Ap. c. XXXV.

Whereas the most reverent Bishops of Egypt postponed subscribing to the epistle of the most holy Archbishop Leo for the present, not because they opposed the catholic faith, but on the allegation that it is a custom in the diocese of Egypt to do nothing of this sort without the consent and formal approval of their Archbishop, and therefore request to be excused until the one who is to be the Bishop for the great city of the Alexandrians has been ordained: it has appeared to us reasonable and consonant with the spirit of philanthropy that they be excused and allowed to remain upon the like habit in the Imperial City till an Archbishop has been ordained for the great city of the Alexandrians. Let them therefore give security that they will not leave this city till the city of the Alexandrians has been accommodated with a bishop.

Interpretation

It has been written in Act 4 of the present Council that after the deposition of Dioscorus, the Patriarch of Alexandria, ten (or, as others say, thirteen) bishops of the same Patriarch of Alexandria anathematized Eutyches and Dioscorus himself, and their dogmas; but they could not be prevailed upon to subscribe to the letter of St. Leo, the Pope of Rome, which he had sent to the Patriarch of Constantinople St. Flavian (and which, as we have said, was called a pillar of Orthodoxy because it contained all the Orthodox belief of the faith), not because he was opposed to the Orthodox dogma which it contained, but because they asserted that it was a custom in the diocese (or see) of Alexandria's Patriarch for his bishops[114] not to make any move without first consulting him and obtaining his consent and approval. Yet the prelates in the Council would not believe these things even after they had heard them asserted by the Alexandrians, but, on the contrary, they even suspected the latter to be heterodox heretics and sought to depose them. But the ruler and the Senate, having conceived something more humane as regarded these men, advised the Council not to depose them, but to give them time within which to remain as they were, undeposed, that is to say, in the Imperial City until another Archbishop of Alexandria could be ordained (for, as we have said, the Archbishop of Alexandria Dioscorus had previously been deposed). Yielding to the advice of the rulers, the Council decreed that they should remain as they were and demanded security that they would not leave the city of Constantinople until the Archbishop of Alexandria had been ordained. The one who became ordained Archbishop of Alexandria as the successor of Dioscorus was Apolinarius (though this name is commonly spelled Apollinaris in English), and the latter was succeeded by Proterius (see p. 241 of the second volume of the Collection of the Councils.[115] See also Ap. cc. XX and XXXIV.

Notes

[80] Marcianus was a brother-in-law of Theodosius the Little by the latter's sister Pulcheria, whom he took as his wife but with whom he had no intercourse. For she lived as a virgin to the end of her life, according to Evagrius (book 2, ch. 1 of his Ecclesiastical History). Not only did Marcianus, but also Pulcheria too, along with him, take a iā too, along with him, tafcepains to assemble the present Council. Present at this Council were both of those who at the Sixth Council sat upon the thrones in front of the chancel.

[81] For, were there but one nature in Christ, it would have to be either divine or human, or else neither divine nor human, but something else than either. Accordingly, if it were divine, where was the human? But if human, how could it be claimed that those saying this were not deniers of the divinity? Or, on the other hand, if it were something else than either, how could it be said that Christ was not being reformed of a different nature than the nature of the Father; and of a different nature than the nature of human beings? Than which could there be anything more recusant or more foolish? Than their saying, in other words, that the God Logos became a human being only to corrupt His own divine nature and assume the human nature? These things are what Photius says in opposing the recusancy of the Monophysites in the case of the Fourth Ec. C.

[82] This holy St. Leo (whose memory the Church celebrates on February 18th) sent this letter to St. Flavian of Constantinople against the Monophysites. They say, moreover, that after composing it he placed it upon the tomb of the holy Apostle St. Peter, and with fasting and while keeping vigil, and with a prayer he begged St. Peter if there were any mistakes in the letter to correct it. The Apostle then appeared to him in person and said to him, "I have corrected it." The excerpt from that letter which treats theologically of the two natures of Christ and of the one substance of Christ in a manner at once exact and sublime, reads as follows, word for word: "For each form operates with the concurrent communion of the other, which had the characteristic peculiarity of the Logos functioning to bring about that which is of the Logos, while the body executes that which is of the body. Accordingly, the one of them shines through in miracles, whereas the other succumbed to abuse, when ill treated and insulted. Accordingly, just as the Logos is inseparable from the Father's glory, so and in like manner His body did not let go and give up the nature of our human genus. For truly it may be said that He is one and the same Son of God, and one and the same son of man. He is a God in this respect, to wit, that in the beginning He was the Logos, and the Logos was with God, and the Logos was God; while He is a human being, on the other hand, in this

respect, to wit, that the Logos became flesh and dwelt among us.” Hence when this letter was read aloud at the present Council, the Fathers shouted: “That is the Faith of the Fathers; that is the Faith of the Apostles. St. Peter uttered these things through Leo.” That is why it also called that letter a pillar of Orthodoxy. Sophronius of Jerusalem also writes about this letter to the effect that Bishop Theodore (whose bishopric was in Libya), who was cubicularius of the Patriarch of Alexandria Eulogius, beheld in his sleep a tall man deserving much honor and reverence, who told him, “Convey word to Pope Eulogius that the Pope of Rome Leo has come in order to meet him in person.” Theodore lost no time in hastening to the Patriarch, and told him what had been said. Thus, then, the two Popes met each other and exchanged greetings; and in a short while Leo said to Eulogius: “Do you know why I came? I came in order to thank you because you very well understood my letter and interpreted it correctly. Know, then, that you did me a great favor, and not a favor to me, but also to the chief Apostle Peter.” Upon saying these words, he disappeared and vanished. In the morning Theodore recounted this fact to Eulogius; and the latter, weeping, thanked God, who had made him a preacher of the truth (Dositheus, p. 527, of the Dodecabiblus). This man Eulogius lived during the reign of Emperor Mauricius.

But inasmuch as the Papists (i.e., Roman Catholics) wrongly conclude from this letter that the Pope is entitled to be the monarch of the whole world and to have charge of all ecclesiastical councils and synods, we retort as follows. First, that although this letter is in truth a most orthodox epistle, yet it was not accepted by this Council simply as it happened to come to notice, but was first examined as to whether it was in agreement with the Creed of the First and Second Councils, and with the transactions adopted by the Third Council under the chairmanship of Cyril; and only after it was found to be in complete agreement therewith was it signed by the prelates in the fourth act of the present Council. Secondly, that just as this letter was called a pillar of Orthodoxy in the Fourth Ec. C., so and in like manner at the Seventh Ec. C. the letters sent to Tarasius by the prelates of the East were described as a column of piety, while the letter of Tarasius to the Easterners was called a definition of Orthodoxy (Act fourth of the Seventh Council). But a pillar of Orthodoxy, a column of piety, and a definition of Orthodoxy are simply designations of one and the same thing. I need scarcely say that Leo’s letter was not called simply a pillar, but a pillar of Orthodoxy, since there are also other pillars of Orthodoxy: the letter of Tarasius was called simply a definition of Orthodoxy; and the letters of the Easterners were called simply a column of piety. Thirdly, that just after Leo’s letter was read aloud the Council shouted, “That is the faith of the Fathers,” so and in like manner after the minutes of the First and Second Councils were read aloud, they shouted, “That is the faith of Orthodox Christians; thus do we all believe.” And when Cyril’s letter was read aloud, the Council said: “Leo and Anatolius believe thus, and we ourselves believe thus. Cyril believes thus; blessed be the memory of Cyril.” And I have to add also this fact too, that after the letter of Leo was read aloud the Council also added this: “Cyril believed thus. The Pope has thus interpreted it.” And again: “Leo taught, Cyril taught thus. Leo and Cyril taught the same things alike.” Fourthly and lastly, that the Third Council made Cyril’s letter to Nestorius a definition of its own; and see in the Preface to the Third Ec. C. But the Fourth Council did not make Leo’s letter a definition of its own, in spite of the fact that the legates of Rome made strenuous efforts to this end; instead, it said that there could be no other definition. The definition confirmed the letter. All that was added to the definition from the letter was merely the assertion that the two natures are united indivisibly and unconfusably in Christ. Hence as a result of all these facts the imagined monarchical office of the Pope is demolished and refuted, and it is shown that the Pope, even when his beliefs are strictly Orthodox, can be judged and examined by an Ecumenical Council, which is the final and supreme judge in the Church. Concerning this see the first Footnote to the Prolegomena of the First Ec. C.

[83] By way of giving a clearer notion of the two natures inconvertibly and unconfusably united in Christ, it appeared to me advisable to add here the interpretation set forth by Theodore the presbyter of Raithos and included in the Bibliotheca of the Fathers, because it is in truth a most theologically perfect work (Dositheus, p. 469 of the Dodecabiblus). It runs as follows: “Orthodox Christians confess the two natures to be essentially united, the union being one which respects the hypostasis, yet in such a way as to be unrupturable and unconfusable (explanation of the definition). The expression ‘two natures’ denotes the difference in kind and the difference in essence of the two conjoined natures, which are, to wit, the previously existent divinity and the humanity assumed at a later time. The term “essentially” denotes the absence of co-operative good will, or, in less ambiguous words, the fact of not being the result of a special grace, or of some particular activity, or out of consideration of merit or worth, or by way of allotting an equality of honor or recognition of peerage, or the tracing of a relation or establishment of a reference, or the limitation of power, or any other relative union (such as Nestorius used to allege); but, on the contrary, admitting it to be actually and really consubstantial and compositive itself in point of essence and substance in the sense of substratum. The expression “the union being one which respects the hypostasis” denotes the fact that the humanity had not been previously created and molded into shape, and that the divinity had not come after it, but, on the contrary, that at the very point of subsistence of the first principle and beginning of existence it was (already) united to the divinity — (for at the very same time while it was created and molded into shape as flesh, it was also at the same time flesh of the God Logos, according to another theologian). The terms “unrupturably” and “unconfusably” used together signify the fact that the two natures when combined together did not undergo any innovation or modification of any

kind on account of the union, but, on the contrary, the union is one which is preserved throughout eternally and alike, and each of the two natures remains undiminished in strict conformity with the essential definition and discourse.” Hence from this interpretation we learn that wherever the fathers call the union of the two natures in connection with Christ a union with respect to nature or a natural union, they are not employing the adjective natural with any implication that the union of the humanity, or human nature, in connection with Christ took place in nature, or in accordance with nature. God forbid! For if this had been the case in reality, there would necessarily have resulted from the two natures a single composite nature, which was the recusant belief of the Monophysites, and not the Orthodox belief of the catholic Church, which dogmatizes that the two natures of Christ were united, not in accordance with nature, or in nature, but, on the contrary, with respect to hypostasis, and in the hypostasis of the God Logos. That is why there is but one hypostasis of Christ composed of the two natures, distinguished as the divinity and the humanity. Instead, with the adjective natural and with the phrase according to nature or with respect to nature, the Fathers make it clear that this union truly and actually and really took place, as the aforesaid Theodore of Raithos interpreted the matter, and in an exceptionally and especially apposite discourse so did superlatively divine Cyril of Alexandria, the clarion interpreter of this inenarrable and inconceivable union. For in his third Anathematization he said: “If anyone in reference to the one Christ divides the hypostasis (or, otherwise speaking, the existential and subsistential natures, or, that is to say, actual natures or real natures) after the union, by conjoining them with a conjunction alone, as depending upon merit or value or worth, or, more specifically, authority or dynasty, and not indeed rather attributing it to the coalescence resulting from a natural union, let him be anathema.” After, I say, he uttered these words, he went to explain in the course of the sequel to this anathematization and in offering an apology (i.e., plea in defense thereof) in reply to the objection of the Easterners, and in his apology in refutation of the argument of Theodoret, and in the three parts together, to the effect that the natural union he had spoken of denotes the true and actual and real union: and in illustration of his meaning he cited that Apostolic saying that “and (we) were by nature children of wrath” (Eph. 2:3), instead of saying “and we were truly children of wrath.” Some other theologians, however, interpret this natural union as being intended to mean a hypostatic, or substantive, union, on the basis of a conception that the word substance or (hypostasis) is also defined to denote essence, and nature together with permanent peculiarities by those discussing theological matters or philosophical questions, and especially by the Seventh Ec. C. in its Act 6.

[84] Note that Eutyches at one time used to say that the flesh of the Lord was not of the same essence, or co-essential, with the Mother, nor with us, while at other times he used to say that before the union, true enough, there were two natures in Christ, but after the union only one. Wherefore they used to say that Christ consisted of two natures, before the union, that is to say, but not also in two natures, after the union, that is to say. And it was for this reason that this Council asserted in its definition above that Christ is of the like (or same) essence with the Father as respecting divinity and of like (or the same) essence with us as respecting humanity. From this Monophysite named Eutyches, as from some many-headed Hydra, there grew up thereafter numerous heresies. For instance: The Theopaschites, who used to say “The one crucified for us is holy and immortal,” of whom the chief leader was Peter Knapheus (concerning whom see c. LXXXI of the 6th). For, according to the Monophysites, humanity was converted into divinity. So the entire Holy Trinity underwent suffering — oh, spare us, O Lord! — since Godhood was but of one nature. That is why the bemused heretics uttered this blasphemy even to the Holy Trinity which is lauded in the Thrice-holy Hymn. From the Monophysites arose the Severians, led by a man named Severus, who was a monk and became Bishop of Antioch. From these heretics sprang a group known as Jacobites, led by a certain man of Syros called Jacobus and of base extraction, named Zanzalos, or Tzantzalos, who also became the leader of the heresy of the Armenians. From them arose the Gaianites, their leader Gaianus being a follower of the heresy of Julian, a bishop of Halicarnassus, by whom he was also ordained Bishop of Alexandria. These heretics used to say that Christ was entirely impassive, or, in Greek, apathes, on which account they styled Apathites, though John Damascene calls them Egyptians, whom the Copts also followed. From the roots of the Monophysites there sprouted thereafter also the heresy of the Monotheletes. For if, according to them, there was but one nature in Christ, it followed as a matter of course that this single nature had but a single will too. From them arose the Agnoites, whose leader was Themistius. These persons used to assert that Christ was ignorant of the day of judgment (i.e., that He did not know precisely when it would be in the future). They had split off, according to John Damascene, from the Theodosian Monophysites. From them came the Tritheites, who in connection with the Holy Trinity were wont to assert a common essence and nature, individualized as in the case of three human beings. Their leader was John Alexandrus the Philoponus. All Monophysites used to be called in a word Acephali, or headless men, in allusion to the fact that they had split off from the Patriarch of Alexandria named Mongus either because, as Leonius says, he did not anathematize the Fourth Ec. C., or because they used to hold various unorthodox assemblies and perform unorthodox baptisms, and used to do other things in the way of innovations and schisms, as Nicephorus Callistus states, or because there arose a schism in their midst between Severus and Julian concerning perishability and imperishability, and some of them followed the one, and some the other leader. Accordingly, it may be said, generally speaking they were called Acephali because of the fact that they did not pay allegiance to any one head, but some to one, and some to another leader, and split into groups differing from one another and from the Church. (See the

discussion in Dositheus, p. 470 of the Dodecabiblus, and the discussions by other writers.) All the Monophysites and Theopaschites refused to accept the icon (or picture) of Christ, according to Act 6 of the Seventh Ec. C., because they maintained that the nature therein described and depicted as that of His humanity had been mingled and converted into the nature His divinity. But the criticism made by Alamundarus, the chief of the Saracens, was a joke. For this fellow, after becoming a Christian, seeing that Severus sent two bishops with a view to enticing him into his heresy, wishing to rebuke them, said: "But know ye not that they have sent me letters and therein the writers of them declare unto me that the Archangel Michael died?" The bishops of Severus replied to him that it was impossible for that thing to have happened. Then Alamundarus in reply said: "And if Christ hath not two natures, as you say, how could He have died and have suffered on the Cross? Since His divinity is impassive, and does not die (Dositheus, p. 424 of the Dodecabiblus).

[85] Note, however, that the tonsure of clergymen performed by the prelate is called by Balsamon the tonsorial seal (sphragis epikouridos) and episcopal tonsurate (epikouris episkopike) and the tonsure of monks, monachal tonsurate (epikouris monachike) (in his interpretation of c. XXXIII of the 6th; and of c. LXXVII of the 6th).

[86] Stewards were appointed to manage the affairs of the church in accordance with the ideas of the bishop, according to c. X of Theophilus, c. XXVI of the 4th, and c. XI of the 7th Ec. C. Defensors were appointed to help those who were being unjustly treated, to redeem those who were being tyrannized by some, and to protect those who took refuge in the church on account of any ill treatment or influence. There were two kinds of defensors; to wit: ecclesiastical defensors, referred to in the present Canon; and nonecclesiastical, or secular, and imperial, or royal, defensors, referred to in cc. LXXXIII and CVII of Carthage. According to Balsamon they were called Defensors, and according to Justinian Ecclesieddici. There were twelve of them in the church of Constantinople, the chief one being known as Proteclicus (i.e., Chief Defensor), and with two other defensors the latter was empowered to hear minor cases that arose in the church. Prosmonarii were appointed to watch over churches to which they were assigned and to welcome those coming there to worship.

[87] Contractors, properly speaking, are those artisans who put up security or an earnest of some sort and undertake a job with the proviso not to abandon it until they have finished it (according to Armenopoulos, Book 3, Title 8).

[88] The reason why this Canon allows bishops and monks to become guardians and curators, whereas Justinian Novel 123 prohibits them from doing so, is, according to Balsamon, either that it prohibits them from doing so of their own accord or when only the laws require them to do so, but not when they are called upon to do so by the bishops. Peter the Chartophylax says that monks must not become godfathers to children being baptized (except in cases of urgent necessity; see also the Footnote to c. XXIV of the Faster), nor must they become parties to the agreement by which persons are adopted as brothers or sisters (in accordance with the custom called in Greek adelphopoeia). For these things are contrary to the Canons (page 395 of the Corpus Juris Graecoromanus). Nicephorus the Chartophylax also says that the Church mandatorily prescribes it as a law to abbots and exarchs of monasteries that the monks are not to be allowed to form relations as godfathers with the parents of children or to enter into any compact of brotherhood; and that the law will not recognize the relationship of brotherhood established by adelphopoeia in toto (page 342 of the same book); see also the Chapter on Adelphopoeia in that on Synoekesia (or Matrimonial Contracts).

[89] That is why the seventh ordinance of the first Title of the Novels, which is Justinian Novel 67, and the third of the second Title, which is Justinian Novel 138, embodied in Book V of the Basilica, Title III, ch. 4 and ch. 5 (in the Nomicon of Photius Title III, ch. 14, and Title XI, ch. 1) prescribe that anyone that shall build a monastery or an oratory or a church must speak about it first with the bishop, and must agree to give him all the fuel needed for lamps and lights of the church, all that is needed for the sacred liturgy, for the food of prosmonarii (or churchwardens) and of those who are to reside therein in the future; and then the bishop shall make the matter known to all, and going in person to the spot where the building is to be erected he shall utter a prayer and plant a cross therein; and then the building may commence. They say in addition that whoever begins to build these from the start, or to rebuild old ones, he as well as his heirs shall be obliged by the bishop and the stewards and the executive of the region to finish the building which he commenced and not to leave it incomplete.

[90] So that according to this Canon those called monks must neither be ordained nor engage in any way in doing parish work in connection with the churches in the world. For according to the meaning of their name monks they are lone men, or solitaires (in that the Greek word, monachos, means lone or solitary), and they are following the profession of virginity; wherefore they ought to be ordained to monasteries, and to perform the functions of holy orders therein, and not in the world. Hence, by way of confirming this, Michel of Constantinople, the greatest of all philosophers, decreed that all sacred acts performed in the world are to be performed by worldly priests, and not by (sacred) monks. The (sacred) monks are to keep within their monasteries, as Balsamon says (comment on ch. 3 of Title I of the Nomicon of Photius). In addition, Peter

the chartophylax of the great Church says that a monk can neither bless a wedding outside nor inside a monastery (page 395 of the *Corpus Juris Graecoromanus*). Hence it is evident that prelates are violating the Canons when they ordain monks in cities or towns; and they will do well to correct the impropriety. For as regards all the evils and sins these monks do in the world and in associating with the desires of the world, the prelates who ordain have to pay the penalty. For divine Chrysostom says the following: “For do not tell me that the presbyter sinned, nor that the deacon did so. The blame for all these is chargeable to and falls upon the head of those who ordained them” (Discourse 3 on the Acts, p. 627 of vol. IV). According to this Canon those monks are not doing right who leave their monasteries, or their cells and hermitages, and go into the world in order to beg alms. For in so doing they are bound to fall into many traps of the Devil and suffer injuries of the soul. Though it is true that Basil the Great does allow monks to leave the monastery and to journey in quest of the necessary wants of the convent of cenobites, and in a way he rebukes those who resign out of sheer unconcern and refuse to go out (Ascetic Ordinance XXVI), it is nevertheless to be noted that the same Basil says for the head of the monastery to send on errands for the needs of the convent of cenobites that monk who can keep himself uninjured and unharmed and who can benefit those conversing with him. If no such fit and strong brother can be found in the monastery, it is better for the brethren to endure patiently every tribulation and discomfort to the point of death, rather than for bodily comfort to ignore or overlook the evident harm to the soul of that one who is destined to be sent away. Accordingly, after the brother has returned, the head of the institution must examine him as to how he got along during his absence in other regions. As concerning whatever he has done right, he should praise him; but as concerning whatever he has done wrong, he should correct him, etc. (see C. XLIV for detailed explanations).

[91] The present Canon is found exactly the same also in Act 6 of the same Fourth Council, except that it contains two more prohibitions not in this Canon, to wit: 1) that no monastery shall be built upon lands without the consent of the owners of the lands: and 2) that not only slaves, but even enlisted men, that is to say, soldiers, must not be admitted into monasteries and shorn.

[92] So that just as the Council here considers this ordination to be invalid, so must c. XIII of Antioch be considered. See also the Footnotes to Ap. c. XXVIII.

[93] “Novel 123 of Justinian also decrees in agreement with the present Canon. For it says for no one to leave his clericate and become a secular, because he will be deprived of the dignity or military position which had been given to him, and will be turned over to the senators of his own city. Novels 7 and 8 of Leo, on the other hand, command that clergymen and monks who change their habit and become laymen, are to be reinstated in the habit of the clergy or monks again even against their will.” (From Armenopoulos, Section 3, Heading 2, of his *Epitome of the Canons*.)

[94] That is why in Act 10 of the Synod held in the time of Basil the Macedonian it was quite rightly written in regard to this circumstance, that “no layman whatever is allowed to provoke an argument about ecclesiastical matters or to resist an entire church or an ecumenical council. For the tracing and examining of such questions is the task of the patriarchs and priests and teachers of the Church, to whom God has given the privilege of binding and loosing. For a layman, even though replete with every learning and reverence, is nevertheless a layman and a sheep, whereas a prelate, even though he displays every irreverence, is nevertheless a shepherd as long as he occupies the position of a prelate. Hence it behoves the sheep not to turn against their shepherds.

[95] Like bees round a hive, various opinions have surrounded this part of the present Canon. For our own authorities, being opposed to the rule and authority of the Pope, and desirous to honor the patriarch of Constantinople, have inclined to exaggeration. Hence Macarius the bishop of Ancyra understands by “exarchs of the diocese” the other Patriarchs, while to the Patriarch of Constantinople he refers the final appeal, and he wants him to be the chief and supreme judge over all the Patriarchs. Macarius was followed also by Alexias in her History, and by Nicholas the bishop of Methone in writing against the principle of the Pope. The Papists, again, wish to establish the monarchical status of the Pope, follow our authorities and concede that the Bishop of Constantinople is chief judge over all, because the Bishop of Rome is chief even of the Bishop of Constantinople according to the Canons. So the Bishop, or Pope, of Rome is the ultimate and common judge over all the Patriarchs, and ahead of even the Patriarch of Constantinople in respect of judicature; accordingly, it is to him that any appeal must be taken from the four Patriarchs of the inhabited earth (called in Greek the “oecumene”). These Papists are Bassarion the apostate, Binius, and Belarminus. Pope Nicholas, again, in writing against Photius to Emperor Michael represents the Canon as meaning the Bishop of Rome by the phrase “Exarch of the Diocese,” and that the word “Diocese” which it employs in the singular number is to be taken to have a plural meaning of “dioceses,” just as, he says, the divine Bible often uses the singular number instead of the plural, as, for instance, where it says “there went up a mist from the earth” (Gen. 2:6), instead of saying “there went up mists from the earth.” And that the Canon says that anyone having a

dispute with the Metropolitan ought to have it tried first and chiefly before the Exarch of the Diocese, that is to say, the Bishop of Rome, though by concession and on secondary grounds it may be tried before the Bishop of Constantinople. All these men, however, are wandering far astray from the truth. For the fact that the Bishop of Constantinople has no authority to officiate in the dioceses and parishes (or districts) of the other Patriarchs, nor has he been given by this Canon to grant a decision in reference to an appeal on the part of the whole Church (which means a change of judicature from any court to another and higher court, in accordance with or according to Book IX of the Basilica, Title I), is plain — first, because in Act 4 of this Council held in Chalcedon the Bishop of Constantinople named Anatolius was blamed by the rulers as well as by the whole Council for overstepping his boundaries and taking Tyre from its Bishop, namely, Photius, and handing it over to Eusebius, the Bishop of Berytus, and for deposing and excommunicating Photius. Notwithstanding that he offered many pretexts, in spite thereof whatever he had done was annulled and invalidated by the Council, and Photius was justified, and he received back the bishoprics of Tyre. That is why Isaac the Bishop of Ephesus told Michael, the first of the Palaeologi, that the Bishop of Constantinople does not extend his authority over the Patriarchates of the East (according to Pachymeres, Book 6, ch. 1); — secondly, because the civil and imperial laws do not state that only the judgment and decision of the Bishop of Constantinople is not subject to appeal, but merely says indefinitely that no appeal can be taken from the decision of any Patriarch or of the Patriarchs in the plural. For Justinian Novel 123 says to let the Patriarch of the Diocese ordain or prescribe those things which are consistent with the ecclesiastical Canons and with the laws, no party having any right to object to his decision. And Leo the Wise in the first title of his Legal Epitome says that the court of the Patriarch is not subject to appeal, while he is described by another as the source of ecclesiastical decisions; for it is from him that all courts derive their authority, and they can be resolved into him again. Even Justinian, too, in Book 3, ch. 2, of his Ecclesiastical Compilation, says: “Let the competent Patriarch examine the decision without fearing an appeal” (from his judgment); and in Book 1, Title 4, of his Ecclesiastical Injunction: “The decisions of Patriarchs cannot be appealed;” and again, in Book 1, Title 4, ch. 29: “It has been made a law by the Emperors preceding us that no appeal can be taken from the decisions rendered by Patriarchs.” So, considering the fact that according to these emperors, who agree with the sacred Canons, the decisions of all Patriarchs are insusceptible of appeal, or, in other words, they cannot be carried to the court of any other Patriarch for review, how can the Patriarch of Constantinople grant them a hearing? And if the present Canon of the 4th, or even c. XVII of this Council, had intended the Bishop of Constantinople to entertain appeals over the heads of the rest of the Patriarchs, how could the emperors have decreed the diametrically opposite and contrary view, at a time when they well knew that civil laws at variance with the Canons were null and void? — thirdly, because if we grant in accordance with the foregoing Papists that the Bishop of Constantinople can judge the Patriarchs, and that he can review their decisions and judgments, since the Canon makes no exception of which or which Patriarch, he is therefore as a logical inference to be considered to have the right to judge himself and also the Bishop of Rome as well, and thus the Bishop of Constantinople becomes the first and the last and the common judge of all the Patriarchs and even of the Pope himself. So, then, with the inventions by means of which they are trying to establish the monarchic office of the Bishop of Rome, they are wrecking and demolishing it with the very same arguments; — fourthly, because no one, even though he be a Metropolitan or a Patriarch, has any right to impose anything upon churches outside his jurisdiction, excepting only the ones subject to him, according to Ap. c. XXXIV and XXXV, and cc. VI and VII of the 1st, and cc. III and VIII of the 2nd; and cc. XX, XXXVI, and XXXIX of the 6th, and cc. III, XI, and XII of Sardica, and c. IX of Antioch, as well as others: this being so, how can the present Canon and the others have ordained the opposite and contrary of all these? — fifthly, because if the Bishop of Constantinople had received any such privilege, how is it that the patriarchs of Constantinople, when quarreling oftentimes with the Pope, did not claim any such right, but merely insisted that the priorities (of all) were equal? or, be that as it may, how is it that no other Christian amid their quarrels and differences ever called the Bishop of Constantinople greater than the Bishop of Rome? So the Lord liveth, He liveth! The true explanation of the Canon is this. The Exarch of the Diocese, according to Balsamon, is not the Metropolitan of the province (since a Diocese comprises many provinces and metropolis), but the Metropolitan of the Diocese; nor the Patriarch, for, as c. VI of the Second Ec. C. says, if anyone dishonors all the Bishops of the Diocese, which is the same thing as saying the Exarch of the Diocese, which indeed the present Canon does say; whereas a Synod of the Diocese and an Exarch of the Diocese occupies a different position from that held by each Patriarch together with the bishops subject to him. So the Exarch of a diocese is the Metropolitan of the diocese who has some privilege over and above the other Metropolitans of the same diocese. But this privilege of Exarchs is not today in effect. For though certain Metropolitans are called Exarchs, yet the other Metropolitans in their dioceses are not subject to them. So it appears, from what the same Balsamon says, that in those times the Exarchs of dioceses were certain others (among whom, according to Zonaras, were those of Caesarea, Cappadocia, Ephesus, Thessalonica, and Corinth) who wore polystauria in their churches. These polystauria were in reality chasubles embroidered with many crosses, as Balsamon says, on page 447 of the *Juris Graecoromanus*. Nevertheless, that privilege ceased to be exercised either immediately or not long after this Fourth Ec. Council was held. That explains why Justinian fails to mention it in what he says concerning disputes between clergymen, notwithstanding that he enumerates the other courts or tribunals of clergymen.

So it is evident that the Canon means that if any bishop or clergyman has a dispute or difference with the Metropolitan of an exarchy, let him apply to the Exarch of the diocese; which is the same thing as saying that clergymen and metropolitans subject to the throne of Constantinople must have their case tried either before the Exarch of the diocese in which they are situated, or before the Bishop of Constantinople, as before a Patriarch of their own. It did not say that if any clergyman has a dispute or difference with the Metropolitan of some other diocese, or if a Metropolitan has a dispute or difference with the Metropolitan of any diocese or parish whatever, they must be tried before the Bishop of Constantinople. Nor did it say, Let him apply first to the Exarch of the diocese, or to the Bishop of Constantinople, as Pope Nicholas above garbles and misexplains the Canon; but, on the contrary, it left it to the choice of the ones to be judged to determine with equal rights whether they should go to the Exarch of the diocese or to the Bishop of Constantinople and be tried in precisely the same manner and equally well either before the one or before the other. That is why Zonaras too says that the Bishop of Constantinople is not necessarily entitled to sit as judge over all Metropolitans, but (only) over those who are judicially subject to him (interpretation of c. XVII of the present 4th C.) And in his interpretation of c.V of Sardica the same authority says: “The Bishop of Constantinople must hear the appeals only of those who are subject to the Bishop of Constantinople, precisely as the Bishop of Rome must hear the appeals only of those who are subject to the Bishop of Rome.” Now, however, that the Synod and the Exarch of the diocese are no longer active or in effect, the Bishop of Constantinople is the first and sole and ultimate judge of the Metropolitans under him, but not of those under any of the rest of the Patriarchs. For it is only an ecumenical council that is the ultimate and most common judge of all Patriarchs, as we have said, and there is none other. See also the Footnote to c. VI of the 2nd Ec. C., which spoke about the matter of diocese at greater length.

In view of the fact that, as we have stated, these Exarchs mentioned by the Canon were long ago displumed, those who are now called Exarchs, as representatives sent abroad by the Church, are mere names for ecclesiastical services.

[96] I happened to discover in one place that the letters given to the indigent were of such a character and superscribed in such words as follows: The earth is full of the Lord’s mercy. As for how these letters are worded at present, see at the end of this Handbook Sozomen (Book 5, ch. 16) calls these letters “passwords” of episcopal letters. The Theologian, on the other hand, in writing against Julian, calls them “epistolary passwords,” saying: “With epistolary passwords with which we are wont to equip those needing them in going from one nation to another.”

[97] Something of this kind is narrated by St. Gregory the Theologian in his epitaph to St. Basil as having taken place in the metropolis of Cappadocia when the bishopric of Tyana was honored by being converted into a new Metropolis.

[98] In this manner after Chalcedon was honored by being converted into a Metropolis by Marcianus, and Nicaea by Valentinian, it was decreed that the rights and dignities belonging to the old cities which were really and truly metropolis should be preserved to them, as appears from what is said in Act 4 of the present Council. On this account, in spite of the fact both Byzantium and Aelia were also honored by being converted into Patriarchates, yet as respecting Aelia c. VII of the First specifies that to its metropolis Caesarea there shall be preserved the dignity rightfully belonging to it, as we have stated. As respecting Byzantium, Balsamon and Nicephorus Gregoras assert that in their times the Bishop of Constantinople was ordained Patriarch by the Bishop of Heracleia. But now he only receives his crozier from him, because before he became a Patriarch Byzantium used to be the episcopate of the Bishop of Heracleia.

[99] Photius, too, in Title XII and Title XIII, says that since ordinance One of Book XXIII of Title II lays down the principle that marriage is a consociation of a man and a woman and a co-reception of all life, and a communion in a divine and human right; those consociated ought, according to this definition, to be of the same religion. The first book of the Code, in Title V, ordinance twelve, says that in case there is a dispute between the parents (when, that is to say, they are of the same religion, but one of them has come to be Orthodox in belief, or in some other way they have come to be consociated in a state of unlikeness of religion), that party ought to have control who wants to make his children Orthodox. And again in ordinance eighteen of the same Title it says that if one of the parties cohabiting together is an Orthodox, while the other is a heretic, their children must become Orthodox. It is written, at any rate, in Book I of the Basilica, Title I, ch. 35, that no Jew must take a Christian woman to wife, nor must a Jewess be taken to wife by a Christian man. For anyone that does this shall undergo the punishment of adulterers. As for an Orthodox person, on the other hand, who has taken a heretodox and heretic, he is not allowed to commune in the divine mysteries unless he first get divorced and do his penance, according to what Balsamon says in his Thirty-third Reply. Symeon of Thessalonica (in Reply 47 says the same thing, adding that he may partake only at the end of his life when he is being given the last rites of unction (provided he repents, that is to say); but the priest is not to take a contribution of any such person, nor to accept his offerings and services, save for candle and incense alone, and sometimes (not always, that is to say) he may give him a sprinkling of holy water and a bit of holy bread (i.e., of

that which is usually distributed to all at the close of the Liturgy), and this is only done, too, in order to prevent his falling into a state of despondency, and to command him to give alms.

[100] Hence it is that the same Theologian in his Epic Verses says that a chaste marriage is as much superior to that which seeks to have both virginity and marriage, as virginity is superior to marriage; consequently, says he, one ought either to remain a virgin in reality or to marry, and not to want to mix virginity with marriage, honey with gall, wine with mud, and Jerusalem with Samaria. Thus he says these things in poetical verses as follows:

“As much as virginity is preferable to marriage,

On which account either embrace it altogether, my fine fellow,

Or make the best of marriage like a song they sing.

To shun an unyoked life, and a yoke-fellow too,

And to sacrifice unredeemed Samaria to sacred Salem.

So much is a chaste marriage better than vacillating virginity.

If any wrath and anger have stirred up in thee such virginity,

The second course is better than the first, for partaking of both

Is like mixing honey and gall, and mud wine.”

Besides, even divine Epiphanius says (Haer. 61): “It is better, therefore, to have but one sin, and not more. It is better when you have fallen from the way to take yourself a woman to wife openly and in accordance with the law, than to change your mind after many years of virginity and be introduced again into the Church.” St. Chrysostom says in his letter to Theodore that the sin which a monk commits when he marries, by marrying, is no less grievous than God is above men. St. Basil, in fact, in number 14 of his Definitions in extenso goes so far as to forbid any brother to open the door of his home to admit any monk that has broken his promise to God, even though it be cold weather and he comes in search of shelter — not out of hatred, but in order to shame him, as St. Paul advises. In his letter in regard to a fallen monk, on the other hand, he says that we must not even greet such a person. Divine Nicephorus, too, says the same things in his c. XIV. In his c. XXXIV he even declares that a monk who has married and fails to repent must be anathematized, and be compelled to don the habit (of a monk) even against his will, and be shut up for the rest of his life in a monastery. Even if he return and repent after having violated his pledge to the habit, he must don it without prayers, according to c. XIV of the same saint. As for anyone that dons the habit under compulsion, or on account of knavery and hypocrisy, as one deriding it, and afterwards when the necessity and sham have passed discards it, he is to be reprimanded, and must pass three times forty days of penance, and only thus shall he be allowed to partake (of communion), according to c. XXI of the same saint. This divine Nicephorus, in his c. XX, says: “If any nun be ravished by barbarians or disorderly men, provided that her former life was not blame-worthy, she shall be penanced for only forty days; but if she had already been polluted or defiled prior thereto, she shall be penanced as an adultress. Note that those who ravish an ascetic woman or a woman that has taken the veil, or, in other words, a sacred virgin, even those who have abetted the ravishment are liable to capital punishment, and all their property is confiscated by the (civil) ruler, and is turned over to the monastery of the one ravished, according to the second ordinance of the First Title of the Novels (Photius, Title IX, ch. 30). Likewise anyone that abducts or tries to take such a sacred virgin to wife is also liable to capital punishment, according to Book I, Title III, Ordinance 5. The woman herself, together with her things, is placed in a monastery and is securely guarded. Blastaris also adds the following fact, to wit, that even a man who has become a monk in the last days of his life and who failed to understand thoroughly what rites were administered to him when they made him a monk, cannot discard the habit and remain any longer in the world. See also the Footnote to c. VII of the 4th, and c. VII itself of the same Council, which anathematizes the monk that discards the habit and assumes some secular position of whatever worth. See also the Footnote to c. XXXIX of Nicephorus.

[101] Note that this Canon does not conflict with c. VIII of the 3rd. For while the latter says with reference to provinces in which bishops were being ordained that they are not to be grabbed up greedily by any bishops when as a matter of fact they

have not been under their predecessors' authority; the former, on the other hand, relates to small parishes that were apt to be overlooked or disregarded as being useless or niggardly by those who used to possess and exploit them.

[102] The Council allowed the emperor to make decrees regarding those parishes only which were in cities he himself had built, and not in general all parishes, as Balsamon concludes. For according to c. XII of the present Council, metropolis honored with imperial letters, and their bishop, enjoyed only the honor, whereas the rights and privileges were preserved undiminished to the metropolias which had been in reality and truth pre-existent.

[103] In his Collection of Canons, Title 82, John of Antioch says "Fellow Monastics," instead of "Fellow Clergymen."

[104] As this is historically stated by Vulpian.

[105] Photius, in Title IX, ch. 37, says that the civil law punishes conspiracies and factions. Book LX of the Basilica, Title XXXVI, states that anyone that enters into a conspiracy against the state is guilty of the crime of high treason (or what is called in Greek cathosiosis, i.e., a violation of the holy immunity of the sovereign). As for what constitutes high treason (or cathosiosis), see the Footnote to Ap. c. LXXII. Note that Balsamon, with reference to the present Canon, says: "Do not assert that a conspiracy is punished on account of any evil already done, and not on account of any good; for every conspiracy, whether for good or for evil, is punishable."

[106] But in other manuscripts the Canon is found worded as follows: "Exactly as the receivers have been forbidden to do. Zonaras and Blastaris (line 5) take the word "receivers" to mean those who take the effects of the bishop in order to provide for their safe keeping, and who, if they purloin anything therefrom, are deposed from office in like manner as are those who seize them.

[107] Book XI of the Basilican Ordinances, in Title VIII, Ordinance 51 (in Photius, Title II, ch. 1) asserts that sacred things have a divine right and are not actually owned by anyone. A sacred thing is anything that has been publicly consecrated. And again, in Ordinance 10, Title I, it is stated that a sacred thing is that which has been rightly and through a priest consecrated to God, as, temples and vessels. That which, on the other hand, one makes sacred by his own authority and arbitrary will is not really sacred. Even if the (building called the) temple of such a sacred temple or sacred object should fall to the ground, the place itself remains sacred and no one, according to Armenopoulos (Book Title XI), can actually own it. For whatever has once been made sacred never ceases being sacred thereafter. Notwithstanding that Ordinance 36, in Book XI, Title VII, says that when sacred things are "enslaved" by enemies at war, they cease to be sacred, just as a free person also ceases under like circumstances to be free, yet after the period of enslavement in question, they become sacred again. By this I mean that they merely cease being actually sacred, but they do not also cease being potentially sacred: according to that authority they are always and everlastingly sacred, and this is especially so if they happen to be sacred and movable things, which indeed even after being enslaved may in many instances manifest the inherent power of their holiness even by evincing an energetic action, just as was shown by the Ark of God when it was captured by the Philistines and knocked down their idols, and filled their lands with rats, and even inflicted wounds upon their fundamentals (Sam. I, ch. 4), as well as by the sacred vessels which were captured by the Babylonians and removed from the Temple of Jerusalem, and which actually killed Belshazzar (Dan. ch. 5) because he treated them as though they were common and unsacred vessels. Nevertheless and in spite of all these facts, that which Basil the Great says (see his Ethic 30) is as true as it is fearful. For he asserts that anything that has been consecrated to the name of God deserves honor as something holy as long as it serves the purpose of keeping God's will; which amounts to the same thing as saying that it is sacred if the priests worshiping Him therein keep His will. One could not own sacred things by eating them, even though he fed himself on them for many years, according to Title VI of Ordinance 10. We cannot claim any title to sacred things as our own; that is to say, with a view to gaining ownership of them as property — according to Ordinance 13, Book VI, Title I. If in the middle between two common and unsacred localities there is situated a locality which is sacred, there can be no crossing or thoroughfare from the sacred locality to the unsacred. According to Ordinance 14 title I one is prohibited from building on any spot that is sacred, according to the fourth Institute (or introduction to the laws), Title XV. No one can sell, or exchange, or give away, or mortgage a monastery wherein there has been established a sacrificial altar and wherein sacred services have been held and monastic austerity of life has been practiced. If any such an act is done, it is void and invalid; and if it has been sold, the seller shall lose even the price he received for it, as well as the monastery itself or the property of the monastery which he sold; and the purchaser likewise shall lose also the price which he paid, and the monastery which he bought. The price paid shall be turned over to the monasteries of the region in question and to the churches of the region in question, according to the first Ordinance of Title II of the Novels (in Photius, Title XI, ch. 1). The second Ordinance of Title II of the Novels (Photius, Title X, ch. 1), as well as Armenopoulos (Book 3, Title 4), commands that stewards and

trustees and other governing officers of churches and of religious houses, and chartularians, and their parents and children, are warned against giving anyone anything ecclesiastical to plant or to rent or to mortgage or to pawn, and taking money in consideration thereof; because those who plant or rent or hold a mortgage on it or have taken it in pledge will lose it and the money which they gave therefor, and the expense they went to in planting it. Accordingly, all the foregoing persons that gave anything, not only will lose whatever price they paid for it, but will also suffer damages to the amount of the expenses incurred by those who undertook to plant it; and this amount shall be given to the divine house and temple (or church) whose property the thing in question was. The third Introduction, in Titles IX and XXIII, ordains that no one can buy a sacred temple (Note of Translator. — The reader should bear in mind that “temple” here, as elsewhere, means “church building,” as distinguished from the church, or institution, itself; though in common parlance no such distinction is usually made), knowing that it is a sacred temple. If, however, he has been deceived into buying as private property, he has a right to bring suit against the one who deceived him and sold it to him. If the temple falls down, the spot on which it stood does not become unsacred. Hence neither can it be sold, according to Ordinance 73 of the first Title (in Photius, Title II, ch. 1).

[108] This means anyone.

[109]

[110] Instead of this word, John of Antioch substitutes the word “girls” (in his Collection of Canons, Title 42).

[111] The Council and likewise the civil laws mete out stern chastisement to those who take women by force, because it is a thing that is dishonorable in itself and subversive of whole households, exciting men to murders and disturbances of the peace, and in general being the cause of many woes. Even if, let us say, the parents, the masters, of the women seized afterwards consent to the wedding, it is never-the-less true that they have been compelled to consent to it against their will, owing to the dishonor and defloration which their daughters and female slaves suffer before being seized for the most part, and because after such occurrences nobody else is willing to marry them. I have said that it was most certainly for this reason that this Canon and the civil laws chastise severely those who seize women by force, because it is not merely a matter of control or ownership, for, behold, in Basil’s c* XXII it is decreed that marriages of daughters taken from their parents by force shall remain valid by virtue of the consent of their parents, as we said hereinabove, whereas the civil laws dissolve marriages resulting from the exercise of force, even though the fathers of the women seized consent to them later, as we have stated. If, however, according to ch. 39, Title XII, Book LX, anyone seizes or snatches away a female slave who is of foreign extraction and in reality a prostitute, and hides her, he cannot be punished either as a thief or as a slaver, since it was for pleasure, and not for the sake of theft or robbery, that he did it. In such a case, however, if he is a rich man, he shall pay damages in money; but if he is a poor man, he shall be cudgelled.

The Sixth Ec. C. makes this same Canon its c. XCII by incorporating it verbatim. Canon XI of Ancyra, on the other hand, decrees that women betrothed to men but seized by other men shall be given to their fiances even though they have suffered violence at the hands of the other men. Canon XXII of Basil also says the same thing; but if they were not betrothed, they are to be returned to their parents or relatives, the same Canon adds, and if the latter are willing, a wedding may be performed, but if they will not consent to this, they are not to be coerced. In case their captors deflowered them secretly or forcibly, they are to be punished with four years as fornicators. Canon XXX of the same Basil excommunicates for three years those who seize women by force or who abet others that do so. But as for any woman that merely pretends to have been seized by force (who wants to follow the man, that is to say), and in general any wedding that is not due to compulsion, it judges such a case to be one that needs no punishment if no defloration occurred before the wedding. Canon LIII of the same saint judges any widowed slave to be unindictable if she pretended to be seized by force but in reality wanted to contract a second marriage.

[112] The principal reason for issuing the present Canon were five, of which three were remote, while two were necessary and proximates: 1) Since c. XXXIV of the Apostles commands that the bishops of each nation ought to have one of their number as chief, and to regard him as their head, and since cc. VI and VII of the First made some dioceses subject to the Bishop of Rome, and others subject to the Bishop of Alexandria, and others to the Bishop of Antioch, and others to the Bishop of Jerusalem, the dioceses of Asia, of Pontus, and of Thrace, being autocephalous, ought by the same token to have the Bishop of Constantinople as their chief and head, and ought to come under his jurisdiction, and ought to be ordained by him, because he was their neighbor, and especially because such a custom had ensued from the beginning. For the Patriarch of Constantinople had ordained many Metropolitans from among them. For St. Chrysostom ordained Heracleides Bishop of Ephesus, and by going to Ephesus and returning to Constantinople he deposed thirteen bishops from office. The Bishop of Ancyra, too, and Memnon, Bishop of Ephesus (who acted as the primate of the Third Ecum. Council) were ordained by the

Bishop of Constantinople. So that it appears that what we said above is true as the solution of the puzzling question in the Footnote to the ninth Canon. Accordingly, then, it appears that it subordinates the Metropolitans of these dioceses to the judgment of the Patriarch of Constantinople. 2) Since the Second Ec. C. also in its c. III accorded priorities of honor to the Bishop of Constantinople, it was in keeping therewith to bestow upon him also priorities of authority. 3) The fact that the Bishop of Constantinople ought to receive privileges of authority because various Patriarchs and Prelates used to come to the Emperor to beg for his help in their exigencies, and it was necessary for them first to meet the Bishop of Constantinople, in whom they found a man to co-operate with them and to lend them assistance, and through him they were enabled to approach the Emperor, just as, in confirmation of the ancient custom, Justinian prescribed this. This is why, in Act 16 of the Fourth Council, the Bishop of Laodicea, Nounechius, said, when the legates of the Bishop of Rome were displeased by the priorities granted to the Bishop of Constantinople: "The glory of Constantinople is our glory, because it undertakes our cares." 4) The Bishop of Constantinople ought to have received the privileges of authority over the above-mentioned three dioceses because, as appears from Act 13 of the Fourth Ec. C., many scandals arose in Ephesus on account of the illegal ordinations of Stephanus and Basianus, as well as in Asia and Pontus and Thrace similar scandals ensued, where, upon the death of bishops, many disturbances followed in the wake of the votes and on the heels of the ordinations, owing to the fact that they were without a governing head, according to the letter of the same Fourth Council addressed to Leo. And between Eunomius the Bishop of Nicomedia, and Anastasius the Bishop of Nicaea, a great many noisy brawls occurred in regard to the bishopric of Basilioupolis. 5) And finally, because ungodly Dioscorus at the Latrocinium, or Robber Synod, held in Ephesus, placed the Bishop of Constantinople Flavian, not first, but fifth in order, contrary to the Canons, which even Leo the Great, who was the Pope of Rome, and his legates resented, in this Fourth Council, wherefore they reproached Dioscorus.

For all these reasons, then, the Council, renewing c. III of the 2nd by means of the present Canon, conferred upon the Bishop of Constantinople the same and equal privileges of honor that had previously been bestowed upon the Bishop of Rome, namely, the Patriarchal dignity and office, and also the same and equal privileges of authority that had previously been bestowed upon the Bishop of Rome, namely, the right of ordination in the three said dioceses of the Metropolitans, not only as a matter of custom, but also as one established by means of a Canon, on the ground that they are included in the territorial jurisdiction of Constantinople. For precisely as the Bishop of Rome has the priorities of honor and of authority, which amounts to saying the Patriarchal dignity and office, comprising the right of ruling his own parish in the West, so and in like manner the Bishop of Constantinople has the same priorities — that is to say, the Patriarchal dignity and office and the right to rule the above-mentioned Metropolitans who are comprised in his own parish. Accordingly, these are the ecclesiastical affairs mentioned here in the Canon, wherein the Bishop of Constantinople is magnified just as is the Bishop of Rome, without any difference save this, that the Bishop of Rome is first in point of order, while the Bishop of Constantinople is second in point of order. These privileges of the Bishop of Constantinople were confirmed and ratified not only by the Fathers of this Council, but also by the entire Senate of civil rulers, notwithstanding that the legates of the Pope, though they had previously reproached Dioscorus, yet perceiving that the bounds of Constantinople were being widened, nearly fainted in their desperate attempt to oppose them. Hence the Pope-worshippers are manifestly lying when they say that the primacy and priority of Rome, and its right to be magnified in ecclesiastical affairs, lend the Pope a special privilege of authority in the Church as a whole, which amounts to saying, in other words, a monarchical and inerrable dignity. For if these facts indicated any such thing, the Bishop of Constantinople too would have to possess the same dignity, since the Bishop of Constantinople, according to the Canons, is a measure and standard of exactly the same and equal value respecting honor of authority and respecting grandeur as is the Bishop of Rome. But, as a matter of fact, that was never bestowed upon the Bishop of Constantinople by the Canons, nor, it may hence be inferred, upon the Bishop of Rome. But neither are the priorities of Rome those which were conferred by the legendary edict of Constantine the Great upon Silvester, the Pope of Rome, as they allege — which is to say, more plainly speaking, the privilege of walking about with the decorations of imperial majesty in imitation of an emperor; the right to wear upon his head a brilliant riband in place of a wreath or garland; the right to wear an imperial pallium (or omophorion) and a purple robe and a scarlet tunic; the right to have his horse caparisoned in imperial style, with all the imperial insignia and emblems, and to hold the bridle of his horse like a strator, after the manner of an emperor; and the privilege of conceding to the clergy of his Church, as well as to the Senate thereof, the right to magnify themselves and to put on airs of grandeur both in the matter of wearing apparel and in the matter of footwear as well as in the matter of cavaliership. These external manifestations of splendor and luster, I say, are not the priorities and dignities conferred upon the Bishop of Rome by the Canons. By no means. Firstly, because if they were, they would have had to be conferred similarly and equally upon the Bishop of Constantinople also; and secondly, because, according to c. XVI of the 7th Ec. C. and c. XXVII of the 6th, splendid and lustrous clothes, and every other stultification and adornment of the human body are alien to and inconsistent with clergymen and the priestly order, and because the smokelike puffiness (or pretentiousness) of mundane authority must be taboo to priests of God, according to the letter of the Council of Carthage to Pope Celestinus. Ap. c. LXXXIII, too, deposes those who wish to exercise both Roman

imperiousness and sacerdotal government. The Lord, too, in the Gospels, commands us to beware of those who wish to walk about in costumes. On this account, again, the vain and legendary edict is judged to be spurious and fictitious. But even if we assume, for the sake of argument, that it is true, yet, in view of the fact that it is obviously opposed to the sacred Canons, it is invalid and void and no longer in force. For when at any time or place current forms conflict with the Canons, they are invalid and void, as we stated in the beginning of this Manual. The priority and primacy of Rome's Bishop, therefore, consists, as we have said, in his having authority over all the bishops and metropolitans included in the see, or diocese, of Rome, so that he, together with the other bishops of the see, has the right to ordain them, and in his being entitled to come first in order among the Patriarchs, the other Patriarchs coming second, third, etc. He received these privileges, not because Rome was the seat of St. Peter, not because the Bishop of Rome is the vicar of Christ, as the Roman Catholics vainly insist — by no means, but primarily because Rome was honored as the capital of an empire. For, says the present Canon, "the Fathers naturally enough granted the priorities to the throne of Old Rome on account of her being the imperial capital"; consequently, because of the ancient custom which it followed, exactly as Rome was a capital city, it becomes proper to concede the first place to her Bishop and to regard him as the first, or most notable, bishop — or, as we say in English, the primate — and, by further consequence of this fact, because just in the same way that the same privilege was bestowed upon the Bishop of Constantinople too owing to Constantinople's being (at that time) an imperial capital, and New Rome, the Canons conferred such a privilege upon the Bishop of Rome for the same identical reason. Thus, too, because it was an imperial capital, it became an ancient custom for the Bishop of Constantinople to ordain the bishops in Asia, Pontus, and Thrace; and because it became a custom, the Canons were adopted and the ancient custom was ratified. Note that in addition to the equal privileges with the Bishop of Rome which the Bishop of Constantinople received, he further received also these two titles, namely, the appellation of "All-holiest" and of "Ecumenical," by way of differentiation from the other Patriarchs. The appellation of "All-holiest" was first accorded to the Bishops of Constantinople Sergius and Peter by Macarius of Antioch at the Sixth Ec. C. in the seventh century A.C.; while that of "Ecumenical" was bestowed by the clergymen of Antioch and the Orthodox Christians in Byzantium upon the Bishop of Constantinople named John the Cappadocian in the reign of Justin the Thracian during the sixth century. I said that the Bishop of Constantinople was given the appellation by way of differentiation, because, although the Bishop of Rome was given by many the appellation of "All-holiest," and so were the Bishops of Alexandria, of Antioch, and of Jerusalem, and, in fact, all Patriarchs in common were called "All-Holiest" by various persons and at various times, yet, in spite of this, usage won out ultimately in the custom of according this appellation exceptionally and exclusively to the Bishop of Constantinople. Likewise the appellation of "Ecumenical" was also used by some in reference to the Bishop of Rome, though very seldom; whereas from the time that the Bishop of Constantinople began being called Ecumenical Patriarch he never ceased being called such. Hence in times subsequent to the Cappadocian the Bishops of Constantinople Epiphanius, and Anthimus, and Menas, and Eutychius were called Ecumenical Patriarchs by Justinian in his Novels and Edicts, insomuch that at the Seventh Ecum. Council Peter the legate of the Pope called Tarasius the Ecumenical Patriarch. That is why divine John the Faster in the reign of Muricius, following the practice of continuing the use of such a title which had been initiated by others in deference to the Bishop of Constantinople, became the first to subscribe himself as Ecumenical. As for the title of "All-holiest," this denotes (speaking of the corresponding Greek word "Panagiotatos") "in all respects most holy": in the same vein, that is to say, as Tarasius and Photius wrote to Popes Adrian and Nicholas "To in all respects most holy brother and fellow minister Adrian (or Nicholas), the Pope of Rome." The title of Ecumenical," on the other hand, denotes two different things: for it is either taken in general as applying to the Church as a whole, by way of describing a bishop as being entitled to exercise personal and monarchical authority in the Church as a whole; or else it denotes a major part of the inhabited earth — that is to say, more exactly speaking, that a bishop's authority extends over a major part of the inhabited portion of the earth's surface. This is in conformity with the fact that many emperors, notwithstanding that they are not lords of the whole inhabited earth (called in Greek the "Oikoumene," or, according to another method of transliteration "Ecumene"), are nevertheless called (in Greek) lords of the inhabited earth, as Evagrius called Zeno (or Zenon), in allusion, that is to say, to the fact that they exercise authority over a major part of the inhabited surface of the earth. In the first sense of the word, therefore, the Bishop of Constantinople is never called an Ecumenical Patriarch, nor is the Bishop of Rome, or anyone else, excepting only Christ, who is indeed truly a Patriarch of the whole inhabited world and to whom was given all authority in heaven and on earth. But he is called Ecumenical in the second sense of the word on account of the fact that he has under him a major part of the inhabited earth, and furthermore on account of the zeal and providence which he exercises in watching over the faith and preserving the traditions and teachings of both the Councils (including Synods) and the Fathers, not only in his own See (or Diocese), but also in all the rest of the Sees (or Dioceses) throughout the length and breadth of the various lands of the earth. It was hence a result of the double entendre involved in the word Ecumenical that scandals arose between the Father, who was Patriarch of Constantinople, and the Popes of Rome named Pelagius, and Gregory Dialogus. For these Popes, taking the word Ecumenical in the first sense, characterized this title as blasphemous, diabolical, and many other opprobrious epithets; and they further declared that whoever wishes to be called and styled "the Ecumenical Patriarch" is a forerunner of the Antichrist (letter of Gregory to Mauricius), and in this respect they were within the truth. The Faster, however, and

Mauricius, and the succeeding Patriarchs and Emperors, understanding the title in accordance with the second signification of the word, were unconcerned, and in this respect they too were within the truth. That is why the Council held in St. Sophia states clearly that the one called Ecumenical (Patriarch), on the ground that he has authority over the greater part of the inhabited earth, is not the Antichrist. Nevertheless, it must be admitted that both these titles are designations conferred, not by any Canons of the Councils or of the Fathers of the Church, but given by custom to the Bishop of Constantinople. The contents of this Footnote have been gleaned also from other sources, but more especially from the *Dodecabiblus* of Dositheus.

[113] Note that this Fourth Council in its Act 15 promulgated these thirty Canons; but I know not how it came about that this Twenty-eighth Canon and the Twenty-ninth and the Thirtieth are not to be found either in the Collection of Canons of John of Antioch, or in the *Nomocanon* of John of Constantinople surnamed the Scholasticus, or even in the Arabic paraphrase of Joseph the Egyptian. They are included, however, in all the others.

[114] See also Ap. c. XXXIV and c. VI of the First Ec. C.

[115] Note that these two Canons, the Twenty-ninth and the Thirtieth, were issued by this Council only as evulgations written into its Act 4; but later either interpreters of the Canons or someone else before the times of these interpreters recapitulated or summarized these evulgations and interlocutions and made them into Canons and Definitions. Hence, seeing in the present Thirtieth Canon that Paschasinus, the legate of the Pope, which is as much as to say the entire Council speaking through him, consented to let the ten bishops of the Egyptians merely give others as sureties for themselves to serve as a pledge that they would not leave the city of Constantinople without first subscribing to the letter, while, on the other hand, the secular rulers of the Emperor, actuated by the civil law, added the recommendation that if they could not furnish sureties they might take an oath that they would not leave the city: — seeing, I say, these things, we included in the Canon the securities which the sacred Council demanded through Paschasinus, while, on the other hand, we left out the oath on the ground that it was not demanded by the Council, but by the imperial rulers, and was merely a requirement of the civil law, and not of the divine Canons (for nowhere do the divine Canons require anyone to take an oath, either to God or to the Emperor, as such a requirement would be contrary to the holy Gospels), though the Council for the present kept silent and did not care to gainsay the rulers, for fear of causing them confusion.

